


  
**FEDERAL REGISTER**  
 OF THE UNITED STATES  
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Washington, Tuesday, June 7, 1949

### TITLE 3—THE PRESIDENT

#### EXECUTIVE ORDER 10062

##### ESTABLISHING THE POSITION OF UNITED STATES HIGH COMMISSIONER FOR GERMANY

By virtue of the authority vested in me by the Constitution and the Statutes, including the Foreign Service Act of 1946 (60 Stat. 999), and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

1. There is hereby established the position of United States High Commissioner for Germany, which position shall be that of Chief of Mission, Class 1, in accordance with the provisions of the said Foreign Service Act of 1946.

2. The United States High Commissioner for Germany, hereinafter referred to as the High Commissioner, shall be the supreme United States authority in Germany. The High Commissioner shall have the authority, under the immediate supervision of the Secretary of State (subject, however, to consultation with and ultimate direction by the President), to exercise all of the governmental functions of the United States in Germany (other than the command of troops), including representation of the United States on the Allied High Commission for Germany when established, and the exercise of appropriate functions of a Chief of Mission within the meaning of the Foreign Service Act of 1946.

3. With respect to military matters the Commander of the United States Armed Forces in Germany shall continue to receive instructions directly from the Joint Chiefs of Staff. On request of the High Commissioner, such Commander shall take necessary measures for the maintenance of law and order and such other action as is required to support the policy of the United States in Germany. If major differences arise over policy affecting military matters, necessary reports and recommendations shall be referred to the Department of State and to the National Military Establishment for resolution. In the event of an emergency involving the security of the United States forces in Europe, such Com-

mander may take whatever action he considers essential to safeguard the security of his troops.

4. In the event that the High Commissioner shall assume his duties in accordance with this Executive Order prior to the date that the Military Government of the United States Zone of Germany is terminated, he shall during such interval report to the Secretary of Defense, through the Secretary of the Army, and shall be the United States Military Governor with all the powers thereof including those vested in the United States Military Governor under all international agreements.

HARRY S. TRUMAN

THE WHITE HOUSE,

June 6, 1949.

[F. R. Doc. 49-4629; Filed, June 6, 1949;  
11:35 a. m.]

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

##### Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Barley Bulletin 1]

##### PART 602—BARLEY

##### SUBPART—1949 BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

This bulletin states the requirements with respect to the 1949-Crop Barley Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC. Loans and purchase agreements will be made available on barley produced in 1949 in accordance with this bulletin:

Sec.

- 602.101 Administration.
- 602.102 Availability of loans and purchase agreements.

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**AUTHORITY:** §§ 602.101 to 602.123 issued under sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (d), 202 (a); Pub. Law 897, 80th Cong.; 62 Stat. 1072, 1248, 1252.

**§ 602.101 Administration.** In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

**§ 602.102 Availability of loans and purchase agreements—(a) Area.** (1) Loans will be available on eligible barley in approved farm storage in the States and counties for which loan rates are established in Supplement 1 to this bulletin.

(2) Loans will be available on eligible barley stored in approved warehouses in all areas.

(3) Purchase agreements will be available on eligible barley in all areas.

(b) **Time.** Loans and purchase agreements will be available from time of harvest through January 31, 1950, and the applicable documents must be signed

by the producer and delivered to the county committee not later than such date.

(c) **Source.** Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC. Disbursements will be made not later than February 15, 1950, except where specially approved by CCC in each instance.

**§ 602.103 Approved lending agencies.** An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97, or other form prescribed by CCC), or a loan servicing agreement.

**§ 602.104 Eligible producer.** An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing barley in 1949, as landowner, landlord, tenant, or sharecropper.

**§ 602.105 Eligible barley.** Eligible barley shall be barley which was produced in 1949, of any class grading No. 5 or better (except Class III Western barley having a test weight of less than 40 pounds per bushel) provided such barley does not grade weevily, tough, stained, blighted, bleached, garlicky, ergoty, or smutty. The beneficial interest in the barley must be in the producer tendering the barley for a loan or purchase and must always have been in him or in him and a former producer whom he succeeded before the barley was harvested. If offered as security for a farm-storage loan, the barley must have been stored in the granary or bin at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

**§ 602.106 Approved storage.** Approved storage for barley shall meet the following requirements:

(a) Under the loan program approved farm-storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of barley. Barley stored in an unapproved public warehouse will not be eligible for loan.

(b) Under the loan and purchase agreement programs, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, Revised), in effect for the 1949 crop has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

**§ 602.107 Approved forms.** The approved forms consist of the loan and

## RULES AND REGULATIONS

purchase agreement documents which together with the provisions of this bulletin and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents, executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of the producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA.

(b) *Warehouse - storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the barley stored in approved warehouses. All barley pledged as security for a loan on a single Commodity Loan Form B, must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Barley in approved warehouse storage under the loan program and delivered under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the barley is insured for not less than market value against the hazards of fire, lightning, inherent explosion, wind-storm, cyclone, and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Each warehouse receipt, or the supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight, grade, dockage, test weight and all special grading factors. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

(4) If the warehouse receipt states that the grain is stored as "specially binned" or "identity preserved" the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

**§ 602.108 Determination of quantity.** The quantity of barley may be determined either by weight or by measurement. When the quantity is deter-

mined by weight, a bushel of barley shall be 48 pounds of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of  $\frac{3}{4}$  of a pound for each sack will be made.

When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel (fractional pounds of test weight per bushel will be disregarded). When the quantity is determined by measurement, the quantity determined will be the following percentages of the quantity determined for 48 pound barley:

For barley testing	Percent
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75
35 pounds or over, but less than 36 pounds	73

**§ 602.109 Determination of dockage.** The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

**§ 602.110 Liens.** If there are any liens or encumbrances on the barley, proper waivers must be obtained.

**§ 602.111 Service fees—(a) Loans.** Where the barley is under a farm-storage loan, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan, or \$3.00 whichever is greater, and where the barley is under a warehouse-storage loan, the producer shall pay a service fee of  $\frac{1}{2}$  cent per bushel on the number of bushels placed under loan, or \$1.50, whichever is greater. In the case of farm-storage loans, State committees are authorized to require prepayment of \$3.00 of the service fee.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of  $\frac{1}{2}$  cent per bushel on the number of bushels specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or \$1.50 whichever is greater.

(c) *Refunds.* No refund of service fees will be made.

**§ 602.112 Set-offs.** If the producer is indebted to CCC, whether or not such indebtedness is listed on the county debt register, he must designate CCC as the

payee of the proceeds of the loan or purchase to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he shall be required to designate such agency as payee of the proceeds as provided above. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

**§ 602.113 Interest rate.** Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

**§ 602.114 Transfer of producer's equity—(a) Loans.** The right of the producer to transfer either his right to redeem the barley under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

**§ 602.115 Safeguarding of the barley.** The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair and to keep the barley in good condition.

**§ 602.116 Insurance.** CCC will not require the producer to insure the barley placed under farm-storage loan; however, if the producer does insure such barley, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the barley involved in the loss.

**§ 602.117 Loss or damage to the barley.** The producer is responsible for any loss in quantity or quality of the barley placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

In the case of barley placed in a warehouse as "specially binned" or "identity preserved" the producer is responsible for any loss in quantity or quality, except insurable loss which is assumed by the warehouseman under the storage agreement.

**§ 602.118 Personal liability.** The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the barley by him, will render the producer subject to criminal prosecution under Federal Law and personal liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

**§ 602.119 Maturity and satisfaction—**  
 (a) **Loans.** Loans mature on demand but not later than April 30, 1950. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity or to deliver the mortgaged barley in accordance with instructions of the county committee. Credit will be given at the applicable settlement value, according to grade and/or quality for the total quantity delivered, provided it was stored in the bin(s) in which the barley under loan was stored. The settlement value for barley delivered to CCC under a farm-storage loan will be set forth in Supplement 1 to this bulletin.

If the settlement value of the barley delivered under a farm-storage loan exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the barley is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the barley may be delivered before the maturity date of the loan upon prior approval by the county committee.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the barley in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 602.120. Any payment due a producer at time of settlement on a warehouse-storage loan shall be made by the appropriate PMA commodity office.

(b) **Purchase agreements.** The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any barley to CCC. However, the quantity which he stated in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs a purchase agreement wishes to sell barley to CCC he will have a 30-day period during which he must notify the County Committee of his intention to sell. This period will end on April 30, 1950, or on such earlier date as may be determined by the Manager, CCC.

In the case of eligible barley stored in an approved warehouse, the producer must on the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts, under which the warehouseman guarantees quality and quantity, to the county committee for the quantity of such barley he elects to sell to CCC but not in excess of the number of bushels shown on Commodity Purchase Form 1. In the case of eligible barley stored in other than approved warehouse storage, the county committee will, on or after May 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period

immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed for delivery. The quantity of barley delivered must not be in excess of the number of bushels shown on Commodity Purchase Form 1. Barley delivered under a purchase agreement will be purchased at the applicable settlement value for the approved point of delivery. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of proceeds shall be made.

Eligible barley will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents; or, if such barley is delivered to a CCC storage facility, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and agreed to by the producer at the time of delivery. The settlement values for barley delivered under a purchase agreement will be set forth in Supplement 1 to this bulletin.

**§ 602.120 Removal of the barley under loan.** If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the barley and sell it, either by separate contract or after pooling it with other lots of barley similarly held. If the barley is pooled the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled barley as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the barley even though part or all of such pooled barley is disposed of under such policies at prices less than the current domestic price for such barley. Any sum due the producer as a result of the sale of the barley or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

**§ 602.121 Release of the barley under loan.** A producer may at any time obtain release of the barley remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the

barley prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the barley to be released. In the case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt.

**§ 602.122 Purchase of notes.** CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producer's notes held by them and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

**§ 602.123 PMA commodity offices.** The PMA commodity offices and the areas served by them are shown below:

*Address and Area*

Atlanta 3, Ga., 449 West Peachtree Street  
NE.: Alabama, Florida, Georgia, Kentucky,  
Mississippi, North Carolina, South Carolina,  
Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue:  
Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street:  
Arkansas, Louisiana, New Mexico, Oklahoma,  
Texas.

Kansas City 6, Mo., Postal Building, 802  
Delaware Avenue: Colorado, Kansas, Mis-  
souri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Build-  
ing: Minnesota, Montana, North Dakota,  
South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room  
1304: Connecticut, Delaware, Maine, Mary-  
land, Massachusetts, New Hampshire, New  
Jersey, New York, Pennsylvania, Rhode  
Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth  
Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Ave-  
nue: Arizona, California, Nevada, Utah.

Issued this 1st day of June 1949.

[SEAL]

HAROLD K. HILL,

*Acting Manager,  
Commodity Credit Corporation.*

Approved:

RALPH S. TRIGG,  
*President,  
Commodity Credit Corporation.*

[F. R. Doc. 49-4570; Filed, June 6, 1949;  
9:03 a. m.]

[1949 C. C. C. Grain Sorghums Bulletin 1]

**PART 621—GRAIN SORGHUMS**

**SUBPART—1949 GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM**

This bulletin states the requirements with respect to the 1949-Crop Grain Sor-

## RULES AND REGULATIONS

ghums Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC. Loans and purchase agreements will be made available on Grain Sorghums produced in 1949 in accordance with this bulletin.

Sec.

- 621.101 Administration.
- 621.102 Availability of loans and purchase agreements.
- 621.103 Approved lending agencies.
- 621.104 Eligible producer.
- 621.105 Eligible grain sorghums.
- 621.106 Approved storage.
- 621.107 Approved forms.
- 621.108 Determination of quantity.
- 621.109 Determination of dockage.
- 621.110 Liens.
- 621.111 Service fees.
- 621.112 Set-offs.
- 621.113 Interest rate.
- 621.114 Transfer of producer's equity.
- 621.115 Safeguarding of the grain sorghums.
- 621.116 Insurance.
- 621.117 Loss or damage to the grain sorghums.
- 621.118 Personal liability.
- 621.119 Maturity and satisfaction.
- 621.120 Removal of the grain sorghums under loan.
- 621.121 Release of the grain sorghums under loan.
- 621.122 Purchase of notes.
- 621.123 PMA commodity offices.

AUTHORITY: §§ 601.101 to 621.123 issued under sec. 5 (a) Pub. Law 806, 80th Cong.; sec. 1 (d), 202 (a), Pub. Law 897, 80th Cong.; 62 Stat. 1072, 1248, 1252.

**§ 621.101 Administration.** In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

**§ 621.102 Availability of loans and purchase agreements.** (a) *Area.* (1) Loans will be available on eligible grain sorghums stored in approved farm storage in the states and counties for which loan rates are established in Supplement 1 to this bulletin.

(2) Loans will be available on eligible grain sorghums stored in approved warehouses in all areas.

(3) Purchase agreements will be available on eligible grain sorghums in all areas.

(b) *Time.* Loans and purchase agreements will be available from time of harvest through January 31, 1950, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(c) *Source.* Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight

drafts drawn on CCC or by approved lending agencies under agreements with CCC. Disbursements will not be made later than February 15, 1950, except where specially approved by CCC in each instance.

**§ 621.103 Approved lending agencies.** An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97, or other form prescribed by CCC), or a loan servicing agreement.

**§ 621.104 Eligible producer.** An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing grain sorghums in 1949, as landowner, landlord, tenant, or sharecropper.

**§ 621.105 Eligible grain sorghums.** Eligible grain sorghums shall be grain sorghums which were produced in 1949, the beneficial interest in which is now in the producer, and always has been in him, or in him and a former producer whom he succeeded before the grain sorghums were harvested, provided such grain sorghums grade No. 4 or better in accordance with Official Grain Standards of the United States and do not grade discolored, weevily, or smutty. When stored in a warehouse, the grain sorghums must not contain in excess of 14 percent moisture. To be eligible for a farm-storage loan, the grain sorghums must not contain in excess of 13 percent moisture and must have been stored in the granary at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA Committee.

**§ 621.106 Approved storage.** Approved storage for grain sorghums shall meet the following requirements:

(a) Under the loan program approved farm storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of grain sorghums. Grain sorghums stored in an unapproved public warehouse will not be eligible for loan.

(b) Under the loan and purchase agreement programs, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, Revised), in effect for the 1949 crop, has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

**§ 621.107 Approved forms.** The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and docu-

mentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents, executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of the producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA.

(b) *Warehouse-storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the grain sorghums stored in approved warehouses. All grain sorghums pledged as security for a loan on a single Commodity Loan Form B, must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1) Delivery Instructions (Commodity Purchase Form 3) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Grain sorghums in approved warehouse storage under the loan program and delivered under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the grain sorghums are insured for not less than market value against the hazards of fire, lightning, inherent explosion, wind-storm, cyclone, and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Each warehouse receipt, or the supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight, grade, dockage, test weight and all special grading factors. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

(4) If the warehouse receipt indicates that the grain is stored as "specially binned" or "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

**§ 621.108 Determination of quantity.** The quantity of grain sorghums may be determined either by weight or by measurement. When the quantity is determined by weight a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of  $\frac{3}{4}$  of a pound for each sack will be made.

When the quantity of grain sorghums is determined by measurement, 100 pounds of grain sorghums shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel (fractional pounds of test weight per bushel and fractional units of less than 100 pounds will be disregarded). The quantity determined by measurement of grain sorghums having a test weight less than 56 pounds per bushel shall be adjusted by:

<i>For grain sorghums testing</i>	<i>Percent</i>
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

§ 621.109 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Grain Sorghums, and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 621.110 *Liens.* If there are any liens or encumbrances on the grain sorghums, proper waivers must be obtained.

§ 621.111 *Service fees—(a) Loans.* Where the grain sorghums are under a farm-storage loan, the producer shall pay a service fee of 2 cents per 100 pounds on the number of pounds placed under loan, or \$3.00, whichever is greater, and where the grain sorghums are under a warehouse-storage loan, the producer shall pay a service fee of 1 cent per 100 pounds on the number of pounds placed under loan, or \$1.50, whichever is greater. In the case of farm-storage loans, State committees are authorized to require prepayment of \$3.00 of the service fee.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of 1 cent per 100 pounds on the quantity specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or \$1.50, whichever is greater.

(c) *Refunds.* No refund of service fees will be made.

§ 621.112 *Set-offs.* If the producer is indebted to CCC, whether or not such indebtedness is listed on the county debt register, he must designate CCC as the payee of the proceeds of the loan or purchase to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he shall be required to designate such agency as payee of the proceeds as provided above. Indebtedness owing to CCC shall be

given first consideration after claims of prior lienholders.

§ 621.113 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 621.114 *Transfer of producer's equity—(a) Loans.* The right of the producer to transfer either his right to redeem the grain sorghums under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 621.115 *Safeguarding of the grain sorghums.* The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair, and to keep the grain sorghums in good condition.

§ 621.116 *Insurance.* CCC will not require the producer to insure the grain sorghums placed under farm-storage loan; however, if the producer does insure such grain sorghums, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the grain sorghums involved in the loss.

§ 621.117 *Loss or damage to the grain sorghums.* The producer is responsible for any loss in quantity or quality of the grain sorghums placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

In the case of grain sorghums placed in a warehouse as "specially binned" or "identity preserved" the producer is responsible for any loss in quantity or quality, except insurable loss which is assumed by the warehouseman under the storage agreement.

§ 621.118 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the grain sorghums by him, will render the producer subject to criminal prosecution under Federal law and personal liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 621.119 *Maturity and satisfaction—(a) Loans.* Loans mature on demand but not later than March 31, 1950. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity or to deliver the mortgaged grain sorghums in accordance with instructions of the county commit-

tee. Credit will be given at the applicable settlement value, according to grade and/or quality for the total quantity delivered, provided it was stored in the bin(s) in which the grain sorghums under loan were stored. The settlement values for grain sorghums delivered to CCC under a farm-storage loan will be set forth in Supplement 1 to this bulletin.

If the settlement value of the grain sorghums delivered under a farm-storage loan exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the grain sorghums is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the grain sorghums may be delivered before the maturity date of the loan upon prior approval by the county committee.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the grain sorghums in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 621.120. Any payment due a producer at time of settlement on a warehouse-storage loan shall be made by the appropriate PMA commodity office.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any grain sorghums to CCC. However, the quantity which he stated in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs a purchase agreement wishes to sell grain sorghums to CCC he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on March 31, 1950, or on such earlier date as may be determined by the Manager, CCC.

In the case of eligible grain sorghums stored in an approved warehouse, the producer must on the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts, under which the warehouseman guarantees quality and quantity, to the county committee for the quantity of such grain sorghums he elects to sell to CCC but not in excess of the quantity shown on Commodity Purchase Form 1. In the case of eligible grain sorghums stored in other than approved warehouse storage, the county committee will, on or after April 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed

## RULES AND REGULATIONS

for delivery. The quantity of grain sorghums delivered must not be in excess of the quantity shown on Commodity Purchase Form 1. Grain sorghums delivered under a purchase agreement will be purchased at the applicable settlement value for the approved point of delivery. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the proceeds shall be made.

Eligible grain sorghums will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents; or, if such grain sorghums are delivered to a CCC storage facility, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and agreed to by the producer at the time of delivery. The settlement values for grain sorghums delivered under a purchase agreement will be set forth in Supplement 1 to this bulletin.

**§ 621.120 Removal of the grain sorghums under loan.** If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the grain sorghums and sell them, either by separate contract or after pooling them with other lots of grain sorghums similarly held. If the grain sorghums are pooled the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled grain sorghums as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the grain sorghums, even though part or all of such pooled grain sorghums are disposed of under such policies at prices less than the current domestic price for such grain sorghums. Any sum due the producer as a result of the sale of the grain sorghums or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

**§ 621.121 Release of the grain sorghums under loan.** A producer may at any time obtain release of the grain sorghums remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the grain sorghums prior to ma-

turity may be arranged with the county committee by paying to the holder of the note the amount of the loan plus charges and accrued interest represented by the quantity of the grain sorghums to be released. In the case of warehouse-storage loans, such partial release must cover all of the commodity under one warehouse receipt.

**§ 621.122 Purchase of notes.** CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them, and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

**§ 621.123 PMA commodity offices.** PMA commodity offices and the areas served by them are shown below:

## Address and Area

Atlanta 3, Ga., 449 West Peachtree Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Missouri, Wyoming, Nebraska.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room 1304: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

Issued this 1st day of June 1949.

[SEAL] HAROLD K. HILL,  
Acting Manager,  
Commodity Credit Corporation.

Approved:

RALPH S. TWIGG,  
President,  
Commodity Credit Corporation.

[F. R. Doc. 49-4568; Filed, June 6, 1949;  
9:02 a. m.]

[1949 C. C. C. Oats Bulletin 1]

## PART 642—OATS

## SUBPART—1949 OATS LOAN AND PURCHASE AGREEMENT PROGRAM

This bulletin states the requirements with respect to the 1949-Crop Oats Price

Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC. Loans and purchase agreements will be made available on oats produced in 1949 in accordance with this bulletin.

Sec.

- 642.101 Administration.
- 642.102 Availability of loans and purchase agreements.
- 642.103 Approved lending agencies.
- 642.104 Eligible producer.
- 642.105 Eligible oats.
- 642.106 Approved storage.
- 642.107 Approved forms.
- 642.108 Determination of quantity.
- 642.109 Determination of dockage.
- 642.110 Liens.
- 642.111 Service fees.
- 642.112 Set-offs.
- 642.113 Interest rate.
- 642.114 Transfer of producer's equity.
- 642.115 Safeguarding of the oats.
- 642.116 Insurance.
- 642.117 Loss or damage to the oats.
- 642.118 Personal liability.
- 642.119 Maturity and satisfaction.
- 642.120 Removal of the oats under loan.
- 642.121 Release of the oats under loan.
- 642.122 Purchase of notes.
- 642.123 PMA commodity offices.

AUTHORITY: §§ 642.101 to 642.123 issued under sec. 5 (a) Pub. Law 806, 80th Cong.; sec. 1 (d), 202 (a), Pub. Law 897, 80th Cong.; 62 Stat. 1072, 1248, 1252.

**§ 642.101 Administration.** In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

**§ 642.102 Availability of loans and purchase agreements.** (a) **Area.** (1) Loans will be available on eligible oats stored in approved farm storage in the states and counties for which loan rates are established in Supplement 1 to this bulletin.

(2) Loans will be available on eligible oats stored in approved warehouses in all areas.

(3) Purchase agreements will be available on eligible oats in all areas.

(b) **Time.** Loans and purchase agreements will be available from time of harvest through January 31, 1950, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(c) **Source.** Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with

CCC. Disbursements will be made not later than February 15, 1950, except where specially approved by CCC in each instance.

**§ 642.103 Approved lending agencies.** An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97, or other form prescribed by CCC), or a loan servicing agreement.

**§ 642.104 Eligible producer.** An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing oats in 1949, as landowner, landlord, tenant, or sharecropper.

**§ 642.105 Eligible oats.** Eligible oats shall be oats which were produced in 1949, the beneficial interest in which is now in the producer, and always has been in him or in him and a former producer whom he succeeded before the oats were harvested: *Provided*, such oats grade No. 3 or better in accordance with Official Grain Standards of the United States and do not grade weevily, smutty, ergoty, garlicky, bleached, thin, or tough. (Oats containing in excess of 14.5 percent moisture grade tough and are not eligible.) When stored on the farm the oats must have been stored in the granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the State PMA committee.

**§ 642.106 Approved storage.** Approved storage for oats shall meet the following requirements:

(a) Under the loan program approved farm-storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of oats. Oats stored in an unapproved public warehouse will not be eligible for loan.

(b) Under the loan and purchase agreement program, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, Revised), in effect for the 1949 crop has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

**§ 642.107 Approved forms.** The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents, executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) **Farm-storage loans.** Approved forms shall consist of the producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA.

(b) **Warehouse-storage loans.** Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the oats stored in approved warehouses. All oats pledged as security for a loan on a single Commodity Loan Form B must be stored in the same warehouse.

(c) **Purchase agreement documents.** The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) **Warehouse receipts.** Oats in approved warehouse storage under the loan program and delivered under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the oats are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Each warehouse receipt, or the supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight, grade, dockage, test weight and all special grading factors. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

(4) If the warehouse receipt indicates that the grain is stored as "specially binned" or "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

#### **§ 642.108 Determination of quantity.**

The quantity of oats may be determined either by weight or by measurement. When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of  $\frac{3}{4}$  of a pound for each sack will be made.

When the quantity of oats is determined by measurement, a bushel shall be 1.25 cubic feet of oats testing 32 pounds per bushel (fractional pounds of test weight per bushel will be disregarded). When the quantity is determined by measurement, the quantity determined will be the following percentages of the quantity determined for 32 pound oats:

For oats testing	Percent
40 pounds or over	125
39 pounds or over, but less than 40 pounds	121
38 pounds or over, but less than 39 pounds	118
37 pounds or over, but less than 38 pounds	115
36 pounds or over, but less than 37 pounds	112
35 pounds or over, but less than 36 pounds	109
34 pounds or over, but less than 35 pounds	106
33 pounds or over, but less than 34 pounds	103
32 pounds or over, but less than 33 pounds	100
31 pounds or over, but less than 32 pounds	96
30 pounds or over, but less than 31 pounds	93
29 pounds or over, but less than 30 pounds	90
28 pounds or over, but less than 29 pounds	87
27 pounds or over, but less than 28 pounds	84

**§ 642.109 Determination of dockage.** Since dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

**§ 642.110 Liens.** If there are any liens or encumbrances on the oats, proper waivers must be obtained.

**§ 642.111 Service fees—(a) Loans.** Where the oats are under a farm-storage loan, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan, or \$3.00, whichever is greater, and where the oats are under a warehouse-storage loan, the producer shall pay a service fee of  $\frac{1}{2}$  cent per bushel on the number of bushels placed under loan, or \$1.50, whichever is greater. In the case of farm-storage loans, State committees are authorized to require prepayment of \$3.00 of the service fee.

(b) **Purchase agreements.** At the time the producer signs a purchase agreement he shall pay a service fee of  $\frac{1}{2}$  cent per bushel on the number of bushels specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or \$1.50, whichever is greater.

(c) **Refunds.** No refund of service fees will be made.

**§ 642.112 Set-offs.** If the producer is indebted to CCC, whether or not such indebtedness is listed on the county debt register, he must designate CCC as the payee of the proceeds of the loan or purchase to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he shall be required to designate such agency as payee of the proceeds as provided above. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

**§ 642.113 Interest rate.** Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, not-

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withstanding the printed provisions of the note.

**§ 642.114 Transfer of producer's equity.**—(a) *Loans.* The right of the producer to transfer either his right to redeem the oats under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

**§ 642.115 Safeguarding of the oats.** The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structures in good repair and to keep the oats in good condition.

**§ 642.116 Insurance.** CCC will not require the producer to insure the oats placed under farm-storage loan; however, if the producer does insure such oats, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the oats involved in the loss.

**§ 642.117 Loss or damage to the oats.** The producer is responsible for any loss in quantity or quality of the oats placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

In the case of oats placed in a warehouse as "specially binned" or "identity preserved" the producer is responsible for any loss in quantity or quality, except for insurable loss which is assumed by the warehouseman under the storage agreement.

**§ 642.118 Personal liability.** The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the oats by him, will render the producer subject to criminal prosecution under Federal Law and personal liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

**§ 642.119 Maturity and satisfaction—**(a) *Loans.* Loans mature on demand but not later than April 30, 1950. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity or to deliver the mortgaged oats in accordance with instructions of the county committee. Credit will be given at the applicable settlement value, according to grade and/or quality for the total quantity delivered, provided it was stored in the bin(s) in which the oats under loan were stored. The settlement values for oats delivered to CCC under a farm-storage loan will be set forth in Supplement 1 to this bulletin.

If the settlement value of the oats delivered under a farm-storage loan exceeds the amount due on the loan, the amount of the excess shall be paid to

the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the oats is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the oats may be delivered before the maturity date of the loan upon prior approval by the county committee.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the oats in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 642.120. Any payment due a producer at time of settlement on a warehouse-storage loan shall be made by the appropriate PMA commodity office.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any oats to CCC. However, the quantity he stated in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs a purchase agreement wishes to sell oats to CCC he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on April 30, 1950, or on such earlier date as may be determined by the Manager, CCC.

In the case of eligible oats stored in an approved warehouse, the producer must on the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts, under which the warehouseman guarantees quality and quantity to the county committee for the quantity of such oats he elects to sell to CCC but not in excess of the number of bushels shown on Commodity Purchase Form 1. In the case of eligible oats stored in other than approved warehouse storage, the county committee will, on or after May 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed for delivery. The quantity of oats delivered must not be in excess of the number of bushels shown on Commodity Purchase Form 1. Oats delivered under a purchase agreement will be purchased at the applicable settlement value for the approved point of delivery. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the proceeds shall be made.

Eligible oats will be purchased on the basis of weight, grade, and other quality factors shown on the warehouse receipts

and/or accompanying documents; or, if such oats are delivered to a CCC storage facility, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and agreed to by the producer at the time of delivery. The settlement values for oats delivered under a purchase agreement will be set forth in Supplement 1 to this bulletin.

**§ 642.120 Removal of the oats under loan.** If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the oats and sell them, either by separate contract or after pooling them with other lots of oats similarly held. If the oats are pooled the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled oats as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the oats even though part or all of such pooled oats are disposed of under such policies at prices less than the current domestic price for such oats. Any sum due the producer as a result of the sale of the oats or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

**§ 642.121 Release of the oats under loan.** A producer may at any time obtain release of the oats remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the oats prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the oats to be released. In the case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt.

**§ 642.122 Purchase of notes.** CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required

to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

**§ 642.123 PMA commodity offices.** The PMA commodity offices and the areas served by them are shown below:

*Address and Area*

Atlanta 3, Ga., 449 West Peachtree Street NE: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Mississippi, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room 1304: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

Issued this 1st day of June 1949.

[SEAL] **HAROLD K. HILL,**  
*Acting Manager,*  
**Commodity Credit Corporation.**

Approved:

**RALPH S. TRIGG,**  
*President,*  
**Commodity Credit Corporation.**

[F. R. Doc. 49-4566; Filed, June 6, 1949;  
9:02 a. m.]

[1949 C. C. C. Rye Bulletin 1]

**PART 656—RYE**

**SUBPART—1949 RYE LOAN AND PURCHASE AGREEMENT PROGRAM**

This bulletin states the requirements with respect to the 1949-Crop Rye Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC. Loans and purchase agreements will be made available on rye produced in 1949 in accordance with this bulletin.

Sec.

- 656.101 Administration.
- 656.102 Availability of loans and purchase agreements.
- 656.103 Approved lending agencies.
- 656.104 Eligible producer.
- 656.105 Eligible rye.
- 656.106 Approved storage.
- 656.107 Approved forms.
- 656.108 Determination of quantity.
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Sec.	
656.110	Liens.
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656.120	Removal of the rye under loan.
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656.122	Purchase of notes.
656.123	PMA commodity offices.

**AUTHORITY:** §§ 656.101 to 656.123 issued under sec. 5 (a), Pub. Law 806, 80th Cong.; sec. 1 (d), 202 (a), Pub. Law 897, 80th Cong.; 62 Stat. 1072, 1248, 1252.

**§ 656.101 Administration.** In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

**§ 656.102 Availability of loans and purchase agreements—(a) Area.** (1) Loans will be available on eligible rye stored in approved farm storage in the states and counties for which loan rates are established in Supplement 1 to this bulletin.

(2) Loans will be available on eligible rye stored in approved warehouses in all areas.

(3) Purchase agreements will be available on eligible rye in all areas.

(b) **Time.** Loans and purchase agreements will be available from time of harvest through January 31, 1950, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(c) **Source.** Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA officers by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC. Disbursements will not be made later than February 15, 1950, except where specially approved by CCC in each instance.

**§ 656.103 Approved lending agencies.** An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97, or other form prescribed by CCC), or a loan servicing agreement.

**§ 656.104 Eligible producer.** An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing rye in 1949, as landowner, landlord, tenant, or sharecropper.

**§ 656.105 Eligible rye.** Eligible rye shall be rye which was produced in 1949, grading No. 2 or better, or grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, in accordance with Official Grain Standards of the United States. The beneficial interest in the rye must be in the producer tendering the rye for a loan or purchase and must always have been in him, or in him and a former producer whom he succeeded before the rye was harvested. Rye grading tough, light smutty, smutty, light garlicky, garlicky, weevily or rye containing in excess of 1 percent ergot shall not be eligible as collateral for loan or for purchase. (Rye containing in excess of 14 percent moisture grades tough and is not eligible.) In order for rye to be eligible for a farm-storage loan the rye must have been stored in the granary or bin at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

**§ 656.106 Approved storage.** Approved storage for rye shall meet the following requirements:

(a) Under the loan program approved farm storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of rye. Rye stored in an unapproved public warehouse will not be eligible for loan.

(b) Under the loan and purchase agreement programs, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, Revised), in effect for the 1949 crop, has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

**§ 656.107 Approved forms.** The approved forms consist of the loan and purchase agreement documents which together with the provisions of this bulletin and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents, executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) **Farm-storage loans.** Approved forms shall consist of the producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA.

(b) **Warehouse-storage loans.** Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the rye stored in approved warehouses. All rye pledged as security for a loan on a single Commodity Loan Form B must be stored in the same warehouse.

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(c) *Purchase agreement documents.* The Purchase Agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Rye in approved warehouse storage under the loan program and delivered under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the rye is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Each warehouse receipt or the supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight, grade, dockage, test weight, and all special grading factors. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

(4) If the warehouse receipt indicates that the grain is stored as "specially binned" or "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

**§ 656.108 Determination of quantity.** The quantity of rye may be determined either by weight or by measurement. When the quantity is determined by weight, a bushel of rye shall be 56 pounds of clean rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of  $\frac{3}{4}$  of a pound for each sack will be made.

When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel (fractional pounds of test weight per bushel will be disregarded). When the quantity is determined by measurement, the quantity determined will be the following percentages of the quantity determined for 56 pound rye:

For rye testing	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

**§ 656.109 Determination of dockage.** The percentage of dockage shall be de-

termined in accordance with the Official Grain Standards of the United States, and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

**§ 656.110 Liens.** If there are any liens or encumbrances on the rye, proper waivers must be obtained.

**§ 656.111 Service fees—(a) Loans.** Where the rye is under a farm-storage loan, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan, or \$3.00, whichever is greater, and where the rye is under a warehouse-storage loan, the producer shall pay a service fee of  $\frac{1}{2}$  cent per bushel on the number of bushels placed under loan, or \$1.50, whichever is greater. In the case of farm-storage loans State committees are authorized to require prepayment of \$3.00 of the service fee.

**(b) Purchase agreements.** At the time the producer signs a purchase agreement he shall pay a service fee of  $\frac{1}{2}$  cent per bushel on the number of bushels specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or \$1.50, whichever is greater.

**(c) Refunds.** No refund of service fees will be made.

**§ 656.112 Set-offs.** If the producer is indebted to CCC, whether or not such indebtedness is listed on the county debt register, he must designate CCC as the payee of the proceeds of the loan or purchase to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he shall be required to designate such agency as payee of the proceeds as provided above. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

**§ 656.113 Interest rate.** Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement on the loan, notwithstanding the printed provisions of the note.

**§ 656.114 Transfer of producer's equity—(a) Loans.** The right of the producer to transfer either his right to redeem the rye under loan or his remaining interest may be restricted by CCC.

**(b) Purchase agreements.** The producer may not assign his interest in the purchase agreement.

**§ 656.115 Safeguarding of the rye.** The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair and to keep the rye in good condition.

**§ 656.116 Insurance.** CCC will not require the producer to insure the rye placed under farm-storage loan; however, if the producer does insure such rye, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the rye involved in the loss.

**§ 656.117 Loss or damage to the rye.** The producer is responsible for any loss in quantity or quality of the rye placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

In the case of rye placed in a warehouse as "specially binned" or "identity preserved" the producer is responsible for any loss in quantity or quality, except insurable loss which is assumed by the warehouseman under the storage agreement.

**§ 656.118 Personal liability.** The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the rye by him, will render the producer subject to criminal prosecution under Federal Law and personal liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

**§ 656.119 Maturity and satisfaction—(a) Loans.** Loans mature on demand but not later than April 30, 1950. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity or to deliver the mortgaged rye in accordance with instructions of the county committee. Credit will be given at the applicable settlement value, according to grade and/or quality for the total quantity delivered, provided it was stored in the bin(s) in which the rye under loan was stored. The settlement values for rye delivered to CCC under a farm-storage loan will be set forth in Supplement 1 to this bulletin.

If the settlement value of the rye delivered under a farm-storage loan exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the rye is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the rye may be delivered before the maturity date of the loan upon prior approval by the county committee.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the rye in satisfaction of the loan in accordance with the provisions of the note and loan agree-

ment and § 656.120. Any payment due a producer at time of settlement on a warehouse-storage loan shall be made by the appropriate PMA commodity office.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any rye to CCC. However, the quantity which he stated in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs a purchase agreement wishes to sell rye to CCC he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on April 30, 1950, or on such earlier date as may be determined by the Manager, CCC.

In the case of eligible rye stored in an approved warehouse, the producer must on the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts, under which the warehouseman guarantees quality and quantity, to the county committee for the quantity of such rye he elects to sell to CCC but not in excess of the number of bushels shown on Commodity Purchase Form 1. In the case of eligible rye stored in other than approved warehouse storage, the county committee will, on or after May 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed for delivery. The quantity of rye delivered must not be in excess of the number of bushels shown on Commodity Purchase Form 1. Rye delivered under a purchase agreement will be purchased at the applicable settlement value for the approved point of delivery. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the proceeds shall be made.

Eligible rye will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents; or, if such rye is delivered to a CCC storage facility, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and agreed to by the producer at the time of delivery. The settlement values for rye delivered under a purchase agreement will be set forth in Supplement 1 to this bulletin.

§ 656.120 *Removal of the rye under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the rye and sell it either by separate contract or after pooling it with other lots of rye similarly held. If the rye is pooled the producer has no right of redemption after the date the pool is established but shall share ratably in any overplus remaining

upon liquidation of the pool. CCC shall have the right to treat the pooled rye as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the rye even though part or all of such pooled rye is disposed of under such policies at prices less than the current domestic price for such rye. Any sum due the producer as a result of the sale of the rye or of insurance proceeds thereon or any ratable share resulting from the liquidation of a pool shall be payable only to the producer without right of assignment by him.

§ 656.121 *Release of the rye under loan.* A producer may at any time obtain release of the rye remaining under loan by paying the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the rye prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the rye to be released. In the case of warehouse-storage loans, such partial release must cover all the commodity under one warehouse receipt.

§ 656.122 *Purchase of notes.* CCC will purchase, from approved leading agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 656.123 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

#### *Address and Area*

Atlanta 3, Ga., 449 West Peachtree Street  
NE: Alabama, Florida, Georgia, Kentucky,  
Mississippi, North Carolina, South Carolina,  
Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue;  
Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street;  
Arkansas, Louisiana, New Mexico, Oklahoma,  
Texas.

Kansas City 6, Mo., Postal Building, 802  
Delaware Avenue: Colorado, Kansas, Mis-  
souri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight  
Building: Minnesota, Montana, North Dakota,  
South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room  
1304: Connecticut, Delaware, Maine, Mary-  
land, Massachusetts, New Hampshire, New  
Jersey, New York, Pennsylvania, Rhode  
Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth  
Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Ave-  
nue: Arizona, California, Nevada, Utah.

Issued this 1st day of June 1949.

[SEAL] HAROLD K. HILL,  
*Acting Manager,*  
*Commodity Credit Corporation.*

Approved:

RALPH S. TRIGG,  
*President,*  
*Commodity Credit Corporation.*

[F. R. Doc. 49-4589; Filed, June 6, 1949;  
9:02 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Tobacco 13, Part II (1949)]

#### PART 725—BURLEY AND FLUE-CURED TOBACCO

##### MARKETING QUOTA REGULATIONS, 1949-50 MARKETING YEAR

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AUTHORITY: §§ 725.30 to 725.60 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 43, 47, 48, 65, 66, 204; 53 Stat. 1261, 1262; 54 Stat. 393, 394, 727, 728; 60 Stat. 21; 7 U. S. C. and Sup. 1301, 1313, 1314, 1372, 1373, 1374, 1375.

## GENERAL

§ 725.30 Basis and purpose. Sections 725.30 to 725.60, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Burley and flue-cured tobacco during the 1949-50 marketing year. Prior to preparing §§ 725.30 to 725.60, public notice (14 F. R. 2015) of their formulation was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views and recommendations pertaining to §§ 725.30 to 725.60, which were submitted have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938, as amended.

§ 725.31 Definitions. As used in §§ 725.30 to 725.60, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "County committee" means the group of persons elected within a county to assist in the administration of the Agricultural Conservation Program in such county.

(c) "Dealer or buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(d) "Director" means Director or Acting Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instruction issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person)

which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(f) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of a county committee whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(g) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups."

(h) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.30 to 725.60, relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(m) "Pick-ups" means (1) any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business, or (2) any tobacco previously marketed at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than this warehouse and shall include tobacco delivered to the buyer but returned by the buyer to the warehousemen, and which is not turned back to a dealer other than this warehouse.

(n) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(o) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(p) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(q) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(r) "Scrap tobacco" means the residue which accumulates in the course of preparing flue-cured tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(s) "Secretary" means the Secretary or Acting Secretary of Agriculture of the United States.

(t) "State Committee" means the group of persons designated as the State Committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(u) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(v) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(w) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1949 and all tobacco produced on the farm prior to the calendar year 1949 and carried over to the 1949-50 marketing year, which is not disposed of in accordance with § 725.43.

(x) "Tobacco subject to marketing quotas" means:

(1) Any Burley tobacco marketed during the period October 1, 1949 to September 30, 1950, inclusive, and any Burley tobacco produced in the calendar year 1949 and marketed prior to October 1, 1949.

(2) Any flue-cured tobacco marketed during the period July 1, 1949 to June 30, 1950, inclusive, and any flue-cured tobacco produced in the calendar year 1949 and marketed prior to July 1, 1949.

(y) "Trucker" means a person who engages to any extent in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(z) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(aa) "Warehouse sale" means a marketing by a sale at public auction through a warehouse in the regular course of business.

§ 725.32 Instructions and forms. The Director shall cause to be prepared and issued such instructions and forms as may be necessary for carrying out §§ 725.30 to 725.60.

§ 725.33 Extent of calculations and rule of fractions. (a) The acreage of tobacco harvested on a farm in 1949 shall be expressed in tenths and frac-

tions of less than one-tenth acre shall be dropped. For example, 4.56 acres would be 4.5 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundred shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cents per pound would be 0.06 cents.

#### FARM MARKETING QUOTAS AND MARKETING CARDS

**§ 725.34 Amount of farm marketing quota.** The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 725.11 to 725.27, Tobacco 13, Part I, Burley and Flue-cured Tobacco Marketing Quota Regulations, 1949-50, as amended (13 F. R. 4811, 13 F. R. 9292). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1949 times the farm acreage allotment.

The excess tobacco on any farm shall be (a) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1949 times the number of acres harvested in excess of the farm acreage allotment, plus (b) any quantity of tobacco available for marketing carried over from a prior marketing year which, if marketed during the 1948-49 marketing year, would have been subject to penalty when marketed. The acreage of tobacco determined for a farm for the purpose of issuing the correct marketing card for the farm, as provided in § 725.36, shall be considered the harvested acreage for the farm unless the farm operator furnishes proof satisfactory to the county committee that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

**§ 725.35 No transfers.** There shall be no transfer of farm marketing quotas.

**§ 725.36 Issuance of marketing cards.** A marketing card shall be issued for every farm having tobacco available for marketing. Subject to the approval of the county committee, two or more marketing cards may be issued for any farm. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the mar-

keting of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county committee to have been lost, destroyed, or stolen.

(a) *Within Quota Marketing Card (Tobacco 20).* A Within Quota Marketing Card authorizing the marketing without penalty of the tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1949 is not in excess of the farm acreage allotment and any excess tobacco carried over from any prior marketing year can be marketed without penalty under the provisions of § 725.42(b).

(2) If excess tobacco produced on the farm is disposed of in accordance with § 725.43, or

(3) If the tobacco was grown for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State Committee prior to the issuance of a marketing card for the farm.

(b) *Excess Marketing Card (Tobacco 21).* An Excess Marketing Card showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota card is required to be issued for the farm under paragraph (a) of this section, except that if the farm operator fails to disclose or otherwise furnish, or prevents the county committee from obtaining any information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 725.45.

**§ 725.37 Person authorized to issue cards.** The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

**§ 725.38 Rights of producers in marketing cards.** Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

**§ 725.39 Successors in interest.** Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm

shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

**§ 725.40 Invalid cards.** A marketing card shall be invalid if:

(a) It is not issued or delivered in the form and manner prescribed;

(b) Entries are omitted or incorrect;

(c) It is lost, destroyed, stolen, or becomes illegible; or

(d) Any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the county office at which it was issued.

If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

**§ 725.41 Report of misuse of marketing card.** Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of a State or county committee, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the county or State Committee.

#### MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

**§ 725.42 Extent to which marketings from a farm are subject to penalty.** (a) Marketings of tobacco from a farm having no "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.43 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having "carry-over" tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of "carry-over" tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over" acres by multiplying the "carry-over" acres (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the "percent excess") for the year in which the "carry-over" tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over" acres (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1949 allotment and the "within quota carry-over" acres (subparagraph (2) of this paragraph).

## RULES AND REGULATIONS

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the "carry-over" tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

**§ 725.43 Disposition of excess tobacco.** The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1949 crop produced on the farm, and posting of a bond approved by the county committee and the State Committee in the penal sum of twice the amount of penalty which will become due upon the marketing of the excess tobacco.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representatives of the entire crop will not be marketed.

**§ 725.44 Identification of marketings.** Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1949 marketing card (Tobacco 20 or Tobacco 21) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Memorandum of sale.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed within four weeks after such sale day, the marketing shall be identified by Tobacco 28, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or Tobacco 28 shall be executed only by a field assistant or other representative of the State committee with the following exceptions:

(1) A warehouseman, or his representative, who has been authorized on Tobacco 23, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(2) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and

other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.52, and who has been authorized on Tobacco 23, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

The authorization on Tobacco 23 to issue memoranda of sale may be withdrawn by the State Committee from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.30 to 725.60. The authorization shall terminate upon receipt of written notice setting forth the State Committee's reason therefor.

Each excess memorandum of sale issued by a field assistant shall be verified by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in Tobacco 25.

**§ 725.45 Rate of penalty.** The penalty per pound upon marketings of excess tobacco subject to marketing quotas shall be eighteen (18) cents per pound in the case of Burley tobacco and twenty (20) cents per pound in the case of flue-cured tobacco.

With respect to tobacco marketed from farms having excess tobacco available for marketing the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm.

**§ 725.46 Persons to pay penalty.** The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

**§ 725.47 Marketings deemed to be excess tobacco.** Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco.

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale within four weeks following the date of marketing shall be identified by a Tobacco 28, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in Tobacco 25 within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in Tobacco 25 within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.30 to 725.60, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the Director showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on Tobacco 25 shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the Director, showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 725.30 to 725.60, is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.30 to 725.60, shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of

such resale which is acceptable to the Director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Producer marketings.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1949 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer.

**§ 725.48 Payment of penalty.** Penalties shall become due at the time the tobacco is marketed and shall be paid by remitting the amount thereof to the State Committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.30 to 725.60, is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (a) advances to producers, (b) charges for hauling, or (c) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

**§ 725.49 Request for return of penalty.** Any producer of tobacco, after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.30 to 725.60, to be paid. Such request shall be filed with the county committee within two (2) years after the payment of the penalty.

#### RECORDS AND REPORTS

**§ 725.50 Producer's records and reports—(a) Report on marketing card.** The operator of each farm on which tobacco is produced in 1949 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to account for disposition of tobacco marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise and the allotment next established for such farm shall be reduced as provided in Burley and Flue-cured Tobacco Marketing Quota Regulations for determining acreage allotments and normal yields 1950-51 Marketing Year.

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(b) *Additional reports by producers.* In addition to any other reports which may be required under §§ 725.30 to 725.60, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall upon written request by registered mail from the State committee and within 10 days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the State committee showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Burley and Flue-cured Tobacco Marketing Quota Regulations, for determining acreage allotments and normal yields, 1950-51 Marketing Year.

**§ 725.51 Warehouseman's records and reports—(a) Record of marketing.** Each warehouseman shall keep such records as will enable him to furnish the Director the following information with respect to each sale or resale of tobacco made at his warehouse:

(1) Name of seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced).

(2) Name of purchaser.

(3) Date of sale.

(4) Number of pounds sold.

(5) Gross sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 725.31 (m).

Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records

so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from a farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a sale without marketing card shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading any tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended", write thereon the serial number of the suspended sale, and record the bills on Tobacco 29, Field Assistant's Report: Provided, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on Tobacco 25 the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1949 the entry on Tobacco 25 shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on Tobacco 25, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

The county copy of each memorandum of sale issued to identify each purchase under subparagraph (1) of this paragraph shall accompany the report on which such purchase is recorded.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the State Committee not later than thirty (30) days following the last sale day of the marketing season a report on Tobacco 26, Auction Warehouse Report, showing (1) for each dealer or

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buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 725.31 (m) (1) and (2)) and floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 725.31 (m) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on Tobacco 27, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the number of pounds sold; (5) the applicable converted rate of penalty; and (6) the amount of penalty due on each such sale. Tobacco 27 shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State Committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on Tobacco 32, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pick-ups, or flour sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. Tobacco 32 shall be prepared for each sale day and forwarded to the State Committee not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the State Committee, in addition to the foregoing, as the Director may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 725.30 to 725.60.

§ 725.52 *Dealer's records and reports.* Each dealer, except as provided in § 725.53, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer

shall properly execute and the field assistant shall detach and forward to the State Committee "Receipts for Dealer's Record" contained in Tobacco 25 which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Tobacco 25, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1949 the fact that such tobacco was bought by him and carried over from a crop produced prior to 1949.

(c) *Report of penalties.* Each dealer shall make a report on Tobacco 27, Report of Penalties, showing for each purchase of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the number of pounds purchased; (5) the applicable converted rate of penalty; and (6) the amount of penalty due on each such purchase. Tobacco 27 shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the State Committee not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1949 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale, has been executed.

(e) *Record and report of scrap tobacco.* Each dealer operating a receiving point for scrap tobacco who has been authorized on Tobacco 23 to issue memoranda of sale, shall keep a record and make reports on Tobacco 25 showing all tobacco received. Such reports shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the reports.

(f) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the Director the following information with respect to each lot of tobacco purchased or sold by him:

(1) Name of the seller, and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced.

(2) Name of the purchaser.

(3) Date of the transaction.

(4) Number of pounds sold.

(5) Gross purchases or sale price.

(6) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

(7) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1949 the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the State Committee not later than the end of the week following the calendar week covered by the reports.

§ 725.53 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at (a) warehouse sales, or (b) directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 725.52, but each such dealer shall make such reports to the Director as he may find necessary to enforce §§ 725.30 to 725.60.

§ 725.54 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Every person engaged to any extent in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Director a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

(b) Every person engaged to any extent in the business of redrying, prizing and stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

Each such person shall make such reports to the Director, as he may find necessary to enforce §§ 725.30 to 725.60.

§ 725.55 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.56 *Failure to keep records or make reports.* Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.30 to 725.60, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within

fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Director.

**§ 725.57 Examination of records and reports.** For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, processor, common carrier, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination upon written request by the State Committee or Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State Committee or Director has reason to believe are relevant and are within the control of such person.

**§ 725.58 Length of time records and reports to be kept.** Records required to be kept and copies of the reports required to be made by any person under §§ 725.30 to 725.60, for the 1949-50 marketing year shall be kept by him until June 30, 1952, in the case of flue-cured tobacco and September 30, 1952, in the case of Burley tobacco. Records shall be kept for such longer period of time as may be requested in writing by the Director.

**§ 725.59 Information confidential.** All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.30 to 725.60, shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of county committees and only such data so reported or acquired as the Assistant Administrator for Production, Production and Marketing Administration, deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

**§ 725.60 Redelegation of authority.** Any authority delegated to the State Committee by §§ 725.30 to 725.60, may be redelegated by the State Committee.

**NOTE:** The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 1st day of June 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 49-4497; Filed, June 6, 1949;  
8:59 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter B—Office of Domestic Commerce  
[Allocation Order M-43, as amended June 2, 1949]

#### PART 338—ALLOCATION ORDERS

##### SUBPART—TIN

Subpart—Tin (§ 338.1 to § 338.25) Allocation Order M-43, as amended March 21, 1949, is further amended to read as follows:

Sec.	PURPOSE
338.1	What this subpart does.  DELIVERIES OF PIG TIN
338.2	Restriction on deliveries of pig tin.
338.3	Allocations of pig tin.
338.4	Reports on use, disposition and inventories of pig tin.  USE OF TIN IN MANUFACTURE
338.5	General restrictions on the use of pig tin, secondary tin, tin-plate, terne-plate, solder, babbitt and other tin-bearing materials.
338.6	Special restrictions on the use of metals to which pig tin has been added.  IMPLEMENTS OF WAR
338.7	Exemption for implements of war.  USE AND SALE OF ARTICLES CONTAINING TIN
338.8	General restrictions on the use and sale of tin-bearing products.
338.9	Special restrictions on purchases and sales of certain articles containing tin.  INVENTORIES
338.10	Limitation on inventories.  IMPORTS
338.11	Import restrictions.  EXPORTS
338.12	Export certificates.  MISCELLANEOUS
338.13	Appeals and communications.
338.14	Violations.  SCHEDULES
338.20	Permitted uses.
338.21	Schedule I; miscellaneous.
338.22	Schedule II; solders.
338.23	Schedule III; babbitt.
338.24	Schedule IV; brass and bronze.
338.25	Schedule V; tin plate, terneplate, and terne metal.

AUTHORITY: §§ 338.1 to 338.25 issued under Title III, 56 Stat. 177, as amended; 50 U. S. C. App. and Sup. 633; 1: O. 9841, Apr. 23, 1947, 12 F. R. 2645, 3 CFR, 1947 Supp.

##### PURPOSE

**§ 338.1 What this subpart does.** This subpart prohibits deliveries of pig tin except under certain conditions and provides for allocation of pig tin by the Office of Domestic Commerce. It also restricts the use of pig tin, secondary tin, certain tin-bearing products and tin plate in manufacture. The subpart also restricts sales and deliveries of jewelry and certain other articles containing tin. The subpart also limits inventories of tin. Further restrictions on the use

of tin in making tin cans are contained in §§ 338.31 to 338.46 (Order M-81).

##### DELIVERIES OF PIG TIN

**§ 338.2 Restriction on deliveries of pig tin.** No person shall deliver or accept delivery of pig tin without a specific allocation in writing by the Office of Domestic Commerce except as set forth in paragraphs (a) and (b) of this section.

Except as may be specifically authorized in writing by the ODC, no person shall receive pig tin for processing by him for another person's account (under toll agreement or otherwise), and no person shall deliver pig tin to another person for processing by the latter for the former's account (under toll agreement or otherwise).

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes current in the trade (including anodes, powder, small bars and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing.

(a) *Exception for deliveries to RFC.* Pig tin may be delivered without specific allocation to the Reconstruction Finance Corporation or its agent.

(b) *Small-order exception.* Pig tin may be delivered, without specific authorization, by a distributor in quantities totalling not more than 4,000 pounds per calendar month to any customer who (1) receives that pig tin only for use or processing by him in his own plant or for resale in accordance with this subpart, (2) does not receive from all sources more than 4,000 pounds of pig tin in the month the distributor makes delivery, and (3) gives to the distributor at the time he places his purchase order a certificate in substantially the form below, signed manually or as provided in §§ 336.1 to 336.20 (Allocation Regulation 1) by an official duly authorized for that purpose:

I certify, subject to the penalties of Title 18, U. S. Code (Crimes) section 1001, that I will use this pig tin for \_\_\_\_\_ (specify end use) in accordance with Order M-43 or will resell it only in accordance with that order. I will not receive more than 4,000 pounds of pig tin from all sources in \_\_\_\_\_ (specify month of delivery) including the amount covered by this order.

\_\_\_\_\_  
\_\_\_\_\_  
(Name of purchaser)  
By \_\_\_\_\_  
(Duly authorized official)

This exception applies only to a person regularly engaged in the manufacture for his own use or for resale of the tin product for which the tin is used, and does not apply to those persons who normally purchase the finished tin product for their operations.

See § 338.12 regarding certificate for export.

**§ 338.3 Allocations of pig tin.** The Office of Domestic Commerce will allocate the supply of pig tin, including all pig tin released by the Reconstruction Finance Corporation, and will issue specific directions as to the source, destination and amount of pig tin to be delivered or acquired. Applications for allocations of pig tin should be made to the Office of Domestic Commerce not later than the 20th day of the month

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before the month in which delivery is requested, and should be made on Form ODC-412. Except in unusual circumstances or to make adjustments resulting from changes in tin usage, the Office of Domestic Commerce will not allocate to a person for a calendar quarter an amount greater than 30% of the total quantity allocated to him for melting and putting into process and for resale during the calendar year of 1948. Applications from persons who did not use pig tin during the base period (including persons who were not in business at that time) will be considered on an equitable basis. Tin requested for resale must be disposed of only by resale. The Office of Domestic Commerce may specifically direct the purposes and end products for which a person may convert, process or fabricate pig tin whether or not directly allocated to him.

**§ 338.4 Reports on use, disposition and inventories of pig tin.** (a) On or before the 10th of each calendar month, each distributor of pig tin must report to the Office of Domestic Commerce on Form ODC-412 all of his transactions in pig tin during the previous month.

(b) Any person who, on the first day of a calendar month, has in his possession or under his control 2,000 pounds or more of pig tin must report to the Office of Domestic Commerce on Form ODC-412 by the 20th of that month.

(c) Any person who uses 1,000 pounds or more of pig tin in any calendar month must report to the Office of Domestic Commerce on Form ODC-412 on or before the 20th of the following month.

(d) The reporting requirements of this subpart have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

## USE OF TIN IN MANUFACTURE

**§ 338.5 General restrictions on the use of pig tin, secondary tin, tin plate, terne plate, solder, babbitt and other tin-bearing materials.** No person may use any pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base, alloys or other alloys containing 1.5% or more tin, or any other materials containing 1.5% or more tin or any britannia metal, pewter metal or other similar tin-bearing alloys to make or treat any item or product, or in any process, not set forth in one of the schedules attached to this subpart. In making or treating these items, or performing these processes, pig tin may be used only when, and to the extent, specified in the schedules but may not be used where the schedule permits secondary tin only. The tin content of an item may not exceed the amount indicated in the schedule.

"Pig tin" means metal containing 98% or more by weight of the element tin, in shapes currently in the trade (including anodes, powder, small bars, and ingots) produced from ores, residues or scrap. It also includes tin pipe or tubing. "Secondary tin" means any alloy which contains less than 98% but not less than 1.5% by weight of the element tin.

"Low grade" secondary tin-bearing drosses, residues and scrap metal having

a tin content of not over 10% and an impurity content too high for use in the production of any items for which secondary low grade tin-bearing material is permitted by the schedules attached to this subpart may be used for any purpose except for the production of items in § 338.9.

**§ 338.6 Special restrictions on the use of metals to which pig tin has been added.** No person may use metal to which pig tin has been added to produce any product or perform any process for which pig tin is not permitted by one of the schedules attached to this subpart.

## IMPLEMENT OF WAR

**§ 338.7 Exemption for implements of war.** (a) The restrictions of §§ 338.5 and 338.6 and of the schedules do not apply to the manufacture of "Implements of war" produced for the National Military Establishment, or the U. S. Maritime Commission, where the use of tin contrary to these restrictions is required either by the latest applicable specifications, on drawings, or by letter or contract of the government service or agency for which the "implements of war" are being produced.

(b) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" materials or any other materials not actually to be incorporated into the items described above.

## USE AND SALE OF ARTICLES CONTAINING TIN

**§ 338.8 General restrictions on the use and sale of tin-bearing products.** (a) In some cases the schedules attached to this subpart permit the use of pig tin or secondary tin in making a product only if the product is to be used for a particular purpose. No person shall use any of these products for any purpose other than the purpose permitted by the schedule.

(b) No person giving a certificate under this subpart or its schedules may receive, use or dispose of the materials obtained with the certificate contrary to its terms.

(c) Notwithstanding the authorization by the Office of Domestic Commerce of a sale or delivery of tin, no person shall sell or deliver any tin or tin-bearing material or product thereof in the form of raw materials, semi-processed materials, finished parts or subassemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this subpart. A supplier may rely upon the written certification of the customer seeking delivery of any such material, as to the purposes for which it will be used, unless the supplier knows or has reason to believe the certification is false, and such a certification shall constitute, on the part of the person making it, a representation to the Office

of Domestic Commerce within the meaning of Title 18, U. S. Code (Crimes), section 1001.

(d) Certificates furnished by purchasers should be in substantially the following form, except when otherwise required by § 338.2 (b), § 338.12, or by provisions in the schedules attached to this order:

I certify, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that I will use this tin or tin product for<sup>1</sup> (specify end use) in accordance with Order M-43 (section \_\_\_\_\_, paragraph \_\_\_\_\_) or will resell it only in accordance with that order.

(Name of purchaser)

By \_\_\_\_\_  
(Duly authorized official)

**§ 338.9 Special restrictions on purchases and sales of certain articles containing tin.** No person, for the purpose of resale, shall purchase or receive any new article of the kinds listed below, if the article contains tin in any form except tin chemicals as defined in § 338.21 (b) (14) (ii), electrolytic tin plate having a coating not to exceed .25 lb. per base box, short ternes having a coating not to exceed 1.30 lb. per single base box, tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by § 338.22), or brass or bronze (to the extent permitted by § 338.24).

No person shall sell or deliver any new article of the kinds listed below, if the article contains tin in any form except tin chemicals as defined in § 338.21 (b) (14) (ii), electrolytic tin plate having a coating not to exceed .25 lb. per base box, short ternes having a coating not to exceed 1.30 lb. per single base box, tin plate waste waste, or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by § 338.22), or brass or bronze (to the extent permitted by § 338.24).

"New article" means one which has not been used by an ultimate consumer.

A purchaser for resale of articles of the kinds listed below may rely on a written certification by his supplier that they contain no tin in any form except tin chemicals as defined in § 338.21 (b) (14) (ii), electrolytic tin plate having a coating not to exceed .25 lb. per base box, short ternes having a coating not to exceed 1.30 lb. per single base box, tin plate waste waste or terne plate waste waste, tin plate scrap or terne plate scrap, solder used for joining purposes (to the extent permitted by § 338.22), or brass or bronze (to the extent permitted by § 338.24), unless he knows or has reason to believe the statement is false.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal or other similar tin-bearing alloy.
4. Buckles.
5. Buttons.
6. Emblems and insignia.

<sup>1</sup> Where appropriate, substitute the following for the portion beginning "for (specify end use)": in accordance with the "implements of war" provisions of § 338.7 of Order M-43.

7. Jewelry.
8. Novelties, souvenirs and trophies.
9. Ornaments and ornamental fittings.
10. Toys and games.

## INVENTORIES

**§ 338.10 Limitation on inventories.** No person who uses any material listed in Column 1 below shall accept delivery of any of that material if his inventory of it is, or will by virtue of such acceptance become, more than the amount which he will be required by his current practices to put into use, during the next succeeding period of the length specified in Column 2 below, in order to carry out his current operations for permitted uses:

	Column (1)	Column (2)
Material		Maximum days supply
a. Pig tin-----		120 days (for manufacture of tin plate).
b. All other material containing tin.		60 days (for any other permitted use). 60 days.

## IMPORTS

**§ 338.11 Import restrictions.** This section contains the ODC restrictions on the import of tin in various forms (exclusive of tin ores and concentrates).

(a) **Definitions.** For the purposes of this section:

(1) "Tin subject to import control" means any tin in any raw, semifinished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value), in any raw, semi-finished, or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder-----	6506.100
Alloys and combinations of lead, not in chief value lead (including leady antimony and white metal)-----	6506.900
Tin bars, blocks, pigs, grain or granulated-----	6551.800
Tin metallic scrap (except alloyed scrap)-----	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloy scrap)-----	6551.900
Tin foil less than 0.0006 inch thick-----	6790.710
Tin powder flitters and metallics-----	6790.720
Tin bichloride, tin tetrachloride and other chemical compounds, mixtures and salts, tin chief value (including tin oxide)-----	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A. Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (September 1, 1946 Edition).

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental

United States and shipments into the continental United States for processing or manufacture in bond for exportation.

It does not include shipments in transit in bond through the continental United States without processing or manufacture to Canada, Mexico or any other foreign country, or shipments through a free port or free zones to a foreign country without processing or manufacture. However, if any material covered by the preceding sentence is, because of a change in plans, to be sold or used in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this section and requires the same authorization as an "import" before it may be moved from a free port, free zone, or bonded custody.

(b) **Restrictions on imports—(1) General restriction.** No person, except as authorized in writing by the Office of Domestic Commerce, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any tin subject to import control under this subpart. The foregoing restrictions shall apply to the importation of any tin subject to import control under this subpart regardless of the existence of any contract or other arrangement for the importation of such material.

(1) **Conditions under which the importation of off-grade pig tin (99.65% tin or less) or tin alloys may be permitted.** Off-grade pig tin (99.65% tin or less) and alloys containing less than 90% tin may be imported in pig or ingot form only, provided such material is not of such nature as to be considered especially prepared for nonpermitted use under the provisions of Order M-43. The quantity which may be imported must fall within the total quantity of imports established quarterly by the Office of Domestic Commerce. Excessive applications will be denied or reduced. Such imports as may be authorized will be charged against the United States customers' allocation of pig tin in the month or quarter in which the material is received and may only be imported by or for the account of customers who now receive pig tin allocations and can use the material in the form imported, for use only in accordance with the provisions of Order M-43. Importees must certify in their application to a firm offer of material by a supplier to the importer, and country of origin, certifying as to export license number, date, etc., from the country of origin, where such export license is required by said country. License application likewise must show the quantity of material, assay or assays, United States customers to whom it will be sold, and quantity to each customer.

(2) **Authorization by Office of Domestic Commerce.** Any person desiring such authorization, whether, owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in triplicate on Form ODC-1041 addressed to the Nonferrous Metals and Minerals Division, Office of Domestic Commerce,

Department of Commerce, Washington 25, D. C., Ref.: M-43. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) **Restrictions on financing of imports.** No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any tin subject to import control under this subpart, unless such bank or person either has received a copy of the authorization issued by the Office of Domestic Commerce under the provisions of paragraph (b) (2) of this section or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4) of this section.

(4) **Exceptions.** Unless otherwise directed by the Office of Domestic Commerce, the restrictions set forth in paragraph (b) of this section shall not apply:

(1) To the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation, or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material consigned or imported as a sample where the value of each consignment or shipment is less than \$25.00.

(c) **Reports—(1) Reports on customs entry.** No tin subject to import control under this subpart, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency or corporations, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form ODC-1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form a second time be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Nonferrous Metals and Minerals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-43.

(2) **Other reports.** All persons having any interest in, or taking any action with respect to any tin subject to import control under this subpart, whether as owner,

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agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Office of Domestic Commerce.

## EXPORTS

**§ 338.12 Export certificates.** Some provisions of this subpart and its Schedules permit sales or deliveries of certain items only upon certificates from the purchasers. In cases where the purchaser is going to export such an item outside the United States, its territories or possessions, or Canada, he should state at the end use in the certificate the words "for export" and give the number of the export license.

## MISCELLANEOUS

**§ 338.13 Appeals and communications.** Any appeal for relief or exemption from the provisions of this subpart shall be made in accordance with §§ 336.51-336.61 (Allocation Regulation 3), by filing a letter in triplicate referring to the particular provision appealed from and the precise relief desired and stating fully the grounds of the appeal and the reasons why a denial of the appeal would result in undue and excessive hardship on the appellant not suffered by others similarly situated or would result in improper discrimination.

Appeals, reports and all communications concerning this subpart should be addressed to the Nonferrous Metals and Minerals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-43.

**§ 338.14 Violations.** Any person who wilfully violates any provision of this subpart, or who in connection with this subpart, wilfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under allocation control.

## SCHEDULES

**§ 338.20 Permitted uses.** Under this subpart pig tin, secondary tin, tin plate, terne plate, solder, babbitt, copper base alloys and other materials containing tin may be used only in the production of the items and for the purposes set forth in the following schedules, subject to the limitations, restrictions, and conditions specified in these schedules with respect to the various items and purposes.

**§ 338.21 Schedule I; miscellaneous—**

(a) **Certificates.** No manufacturer or wholesale distributor shall sell or deliver any item covered under this schedule to a wholesale distributor or retailer, and no wholesale distributor or retailer shall purchase or accept delivery of any item under this schedule unless the purchaser has given to the seller a certificate that he will not resell the items to user without obtaining from the user a written certificate in the form provided for in § 338.8 (d). No manufacturer, wholesale distributor, or retailer shall sell or deliver any item covered under this schedule to a user, and no user shall purchase or accept delivery of any item covered under

this schedule, unless the user has given to the seller a written certification in the form provided for in § 338.8 (d) of Order M-43.

(b) **Tin content.** Pig tin, secondary tin, or materials containing tin, may be used to produce the items set forth in the following schedule only in accordance with and to the extent set forth in the restrictions covering each item.

(1) **Detonators and blasting caps.** Pig or secondary tin may be used to make detonators and blasting caps (including electric blasting caps) including all their necessary parts and accessories.

(2) **Collapsible tubes.** (i) Pig or secondary tin may be used to make collapsible tubes for the following purposes, if the tin content by weight of the tube is no greater than the maximum specified below:

Product	Maximum permitted tin content (percent of tin by weight)	Unlimited.
Ointments and other preparations for ophthalmic use, sulfa drugs in ointment or jelly form, diagnostic extracts (allergens), and morphine or hydropoeric injection.		
Preparations intended for introduction into the body orifices for local application, and medicinal and pharmaceutical ointments (excluding unmediated petroleum jelly and lanolin).		Unlimited.
Dental cleansing preparations	7½ percent pig tin or 12½ percent secondary tin.	

Shaving creams and cosmetics in paste form only and unmediated petroleum jelly and lanolin

5 percent.

Secondary tin may be used to make lead collapsible tubes for any purpose if the tin content of the tube is not greater than 1.5% by weight.

(ii) No person may purchase, accept delivery of, or use collapsible tubes containing tin for packing products except those permitted above.

(3) **Foil.** Pig or secondary tin may be used to make foil for the following purposes if the tin content by weight of the foil is no greater than the maximum specified below:

Purpose	Maximum permitted tin content (percent of tin by weight)	(1)
(i) Electrotypers foil	40	
(ii) Dental foil	(1)	
(iii) Soft babbitt for the preparation of industrial metallic packing	1½	
(iv) Condenser foil of dimensions 0.00035 inch by 1 inch or less	50	
(v) Condenser foil for all other condensers	15	
(vi) Foil for aircraft magnetos	50	
(vii) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations; preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50%, for which other types of liners cannot be used.	(2)	

<sup>1</sup> Unlimited.

(4) **Dairy equipment.** Pig or secondary tin may be used to coat fluid milk shipping containers or to manufacture or retin any other dairy equipment.

(5) **Equipment for preparing and handling food.** Pig or secondary tin may be used to coat or to retin any parts of kitchen utensils, galley and mess equipment and other equipment used in processing and handling of food if the parts are designed to come into actual contact with food or to plate cutlery and flatware.

(6) **Wire and strip coating.** Pig tin or tin alloys may be prepared and used for coating wire and strip as follows:

(i) **For copper base wire.** There is no limitation upon the tin content of the coating alloy when the copper base wire to be coated is of a size of 0.0320" nominal diameter or finer. If the wire to be coated is of a size larger than 0.0320" nominal diameter the tin content of the coating alloy is limited to 12% tin by weight.

Pig or secondary tin may be used for the tinning of copper base alloy flat wire or strip, 0.025" or thinner where a solderable coating is required for electrical connection, provided such coating does not exceed 0.0004".

(ii) **For steel wire.** (a) To be used as armature binding wire.

(b) To be used in the manufacture of equipment for the production of textiles.

(c) To be used in the packaging or marking of food where the wire comes into actual contact with the edible portions of the food.

(d) In the liquor finishing process of fine steel bright wire.

(e) Bookbinders wire to be used in power and foot operated stitching machines using wire in coils or on spools for stitching magazines, books, booklets and pamphlets, other than those devoted solely for advertising purposes; pre-formed containers for dairy products and other foods where the wire is in actual contact with the food; and pull-up tabs on bottles and tubs where the wire comes in direct contact with the food.

(f) Pre-formed staple wire to be used to make pre-formed staples for use in power and foot operated stapling machines for stapling magazines, books, booklets and pamphlets, other than those devoted solely for advertising purposes; pre-formed containers for dairy products and other foods where the wire is in actual contact with the food; and pull-up tabs on bottles and tubs where the wire comes in direct contact with the food.

(g) To be used for musical instrument strings.

(h) To be used for coating spring steel wire for use as springs where the prime function of the wire is as a spring (not including spiral binding and like applications).

(i) To be used for all electrical equipment and aircraft parts, including wire and cable.

(j) Wire having an ultimate tensile strength of 100,000 lb. per sq. in. or greater to be used for the manufacture of stranded cable (not including picture wire, fishing leaders and like items).

(k) To be used for pin ticket manufacture.

(l) Stitching wire and wire for staples to be used for attaching tabs and

tickets to garments, other textiles, leather, imitation leather and sheet plastics and for attaching textiles, leather and sheet plastics to other items or materials; for the stitching or stapling of split and veneer wood boxes and baskets; for stitching and stapling of metal and building materials; for stitching and stapling in industrial and manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this shall not be construed as to include office staples, staples for tea bags, book matches or box or carton construction).

(m) To be used for tag wire in direct contact with garments and other textiles (including dry cleaning and laundry tag use).

(n) To be used for industrial screen cloth.

(o) To be used for pin type card holders.

(p) To be used for brake strand.

(q) To be used for bee keepers wire for comb construction.

(7) *Lead base alloys for coating.* Lead base alloys containing tin for coating sheet (other than tin plate or terne plate or tin mill blackplate), tubing, wire, foundry chaplets, etc., may be manufactured and used if the tin content of the alloy does not exceed 10% of secondary tin by weight for the coating of iron and steel or 20% of secondary tin by weight for the coating of copper base alloys.

(8) *Printing plates and type metal.* Printing plates and type metal containing tin may be made for use by the printing, publishing and related service industries without certification.

(9) *Dental amalgam alloys.* Pig tin may be used in the manufacture of dental amalgam alloys without restriction as to the tin content of the alloys.

(10) *Pipe organs.* Pipe organs may be manufactured, rebuilt, or repaired with secondary tin.

(11) *Bolster metal.* Bolster metal may be made and used in the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35% of tin by weight.

(12) *Fusible alloys and dry pipe seat rings.* Pig or secondary tin may be used in the manufacture of dry pipe valve seat rings to the extent required to meet performance specifications; and in the manufacture of fusible alloys for safety purposes only, to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.

(13) *Tin pipe and sheet.* (i) Pig or secondary tin may be used to make tin pipe, sheet tin, and fittings to repair or maintain beverage dispensing units and their parts, provided the consumer for whom the pipe, sheet or fittings are made returns to the supplier a quantity of scrap tin having the same tin content as that of the new pipe, sheet or fittings delivered to him.

(ii) Pig or secondary tin may be used to coat copper or brass pipe and fittings for beverage or distilled water dispensing purposes.

(iii) Electro tinned or chemically tinned tubing and fittings may be used for

refrigeration tubing or where in contact with beverages or drinking water in beverage and drinking water systems or equipment.

(iv) Tin pipe or tubes may be used in the manufacture of new soda fountains, food and beverage dispensing units, and where required for conducting chemically pure distilled water.

(14) *Chemicals*—(i) *General.* Pig tin or tin chemicals may be used for the following purposes: laboratory reagent; medicinal; plating (where plating is permitted by this subpart).

(ii) *Tin chemicals from dross, etc., (excluding tin oxide).* Tin chemicals (excluding tin oxide) may be produced from secondary low grade tin-bearing drosses, residues, and scrap metal, or from pig tin derived from this material, only when and to the extent that the manufacturer has been specifically authorized in writing by the Office of Domestic Commerce to use such pig tin. Such material is "low grade" only if the tin content is not over 10% and its impurity content is too high for use in the production of other items for which secondary low grade tin-bearing materials are permitted by this subpart. Tin chemicals (excluding tin oxide) as set forth above may be used for any purpose except to make items listed in § 338.9.

This subparagraph does not apply to the production or use of tin chemicals (excluding tin oxide) produced from any other pig tin or from secondary tin-bearing material not "low grade" as defined above.

(15) *Tin oxide.* Pig tin may be used to make tin oxide, but only when and to the extent that the manufacturer has been specifically authorized in writing by the Office of Domestic Commerce. Tin oxide may be used for the production of colors (not including white), and for the production of earthenware plumbing fixtures.

(16) *Snap fasteners and hooks and eyes.* Pig or secondary tin may be used to plate snap fasteners, and hooks and eyes.

(17) *Aluminum alloys.* Aluminum alloys containing tin may be used for any purpose except to make items listed in § 338.9, if the tin content does not exceed 9% by weight.

**§ 338.22 Schedule II; solders**—(a) *Certificates.* No manufacturer or wholesale distributor shall sell or deliver any solder to a wholesale distributor or retailer and no wholesale distributor or retailer shall purchase or accept delivery of any solder unless the purchaser has given to the seller a statement that he will not resell the solder to a user without obtaining from the user a written certificate in the form provided for in § 338.8 (d). No manufacturer, wholesale distributor or retailer shall sell or deliver any solder to a user and no user shall purchase or accept delivery of any solder from a manufacturer, wholesale distributor or retailer unless the user has given to the seller a written certificate in the form provided for in § 338.8 (d).

If the solder is in wire form, solid or cored, not to exceed  $\frac{5}{32}$ " in diameter and contains not more than 40% tin by weight, any retailer may sell it to a user

in lots not exceeding two pounds without getting any certificate from the user.

(b) *Tin content.* Pig or secondary tin may be used to make solder in accordance with the following restrictions. In the following schedule the word "soldering" means joining with solder and shall not be construed to include dipping or solder coating in which the joining operation is not performed simultaneously with such dipping or coating. In the manufacture of solder, the tin content by weight shall be limited according to the purpose for which it is to be used as follows:

Purpose	Maximum tin content of solder (percent of tin by weight)
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams	5
(2) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes	22
(3) For all soldering on the following (exclusive of any covered by (4) and (5) below): copper roofing and copper flashings, cames, tanks, fire protection equipment, and electrical equipment	50
(4) For all soldering on the following (exclusive of any covered by (5) below): motors; generators; electrical equipment (electrical connections only); instruments; meters; radio, radar and television (electrical connections only); refrigeration equipment; dairy equipment; food processing equipment; hospital and sterilization equipment	60
(5) For all soldering on the following: railroad-car and truck refrigeration; refrigeration equipment inside refrigerated compartments; aircraft motors; electric-traction motors for railroads, street-cars, and buses	(1)
(6) For soldering aluminum	70
(7) For other hand soldering operations done either with a soldering iron or with a torch and wiping	40
(8) For any other soldering operations (including other can soldering)	35
Unlimited.	

**§ 338.23 Schedule III; babbitt**—(a) *Certificates.* No manufacturer or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any wholesale distributor of babbitt and no wholesale distributor of babbitt shall accept delivery from a manufacturer or a wholesale distributor unless he shall have furnished the manufacturer or other wholesale distributor with a statement on his purchase order to the effect that he will not resell such babbitt containing more than 10% tin by weight to any user unless he has received the certificate from such user provided for in § 338.8 (d). No manufacturer of babbitt or wholesale distributor of babbitt shall deliver any babbitt containing more than 10% tin by weight to any user and no user shall accept delivery of any babbitt containing more than 10% tin by weight from any manufacturer of babbitt or wholesale distributor of babbitt unless the user shall have furnished the manufacturer or wholesale distributor with a written certificate in the form provided for in § 338.8 (d).

(b) *Tin content.* Pig or secondary tin may be used to make babbitt metal and similar alloys used as babbitt, for bearing

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purposes only. Babbitt metal and similar alloys may not be used for any other purpose.

**§ 338.24 Schedule IV; brass and bronze—(a) Cast alloys—**(1) *Tin content.* Pig or secondary tin may be used to make cast copper base alloys in accordance with the following restrictions. No person shall cast or have any person cast for him any copper base alloy containing more than 6% tin by weight for other than the specific purposes listed below. The tin content of any such alloy shall not be more than the amount specified for each purpose.

Purpose	Maximum tin content (percent of tin by weight)
(i) For the manufacture of high ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or disks, machine tool spindle bearings, hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, piston rings for locomotives and for airbrake equipment, for bearings and bushings and for valves and fittings and steam specialties <sup>(2)</sup>	
(ii) For production of or use in tablets, markers and memorials	6
(iii) For all other castings	10

<sup>(1)</sup> For aluminum alloy bearings see § 338.21  
(17).

<sup>(2)</sup> Unlimited.

**(2) Certificate.** Any person receiving copper base alloy castings containing more than 6% tin shall furnish his supplier with a certificate on his purchase order stating the end use of such castings (see § 338.8 (d) regarding form of certificate). All suppliers shall require such a certificate. If the end use is not permitted by this subpart and the purchaser has not received special authorization from the Office of Domestic Commerce, the supplier shall refuse the order.

**(b) Wrought alloys.** Pig or secondary tin may be used to make wrought alloys. However, the tin content of any such alloy shall not be more than the amount required for the particular purpose.

**§ 338.25 Schedule V; tin plate, terne plate, and terne metal—(a) Definitions.** (1) "Tin plate" means steel sheets coated with tin including electrolytic tin plate and hot dipped tin plate and including primes, seconds and waste waste but not scrap.

(2) "Terne plate" means steel sheets coated with terne metal including short ternes (coated on tin mill coating machines) and long ternes (coated on sheet mill coating machines) including primes, seconds and long terne waste waste but not scrap.

(3) "Tin plate or terne plate scrap" means any material or product made in whole or in part of tin plate or terne plate which is the waste of industrial fabrication or which has been discarded after being put into actual use, including tin plate crowns, screw caps or similar closures for various containers. The term also includes tin plate and terne plate

sheets recovered from tin plate or terne plate cans or from other articles.

(4) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(5) "Terne metal" means a tin-bearing lead alloy used as a coating for plate but does not include lead recovered from secondary sources which contains not more than 3% residual tin.

(6) "Waste waste" means hot dipped or electrolytic tin coated sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(7) "Idle and excess inventories" means (i) inventories of tin plate accumulated at a steel mill which have resulted from overruns on individual special tin plate orders and which material has been offered for sale on the domestic market by the mill as "primes", "seconds included", "seconds arising", "seconds in addition", "unassorted" or "rejects" for a period of at least 30 days prior to being declared by the mill as idle and excess; (ii) inventories of tin plate in the possession of a warehouse or distributor which have been offered for sale by the warehouse or distributor on the domestic market as "primes", "seconds included", "seconds arising", "seconds in addition", "unassorted" or "rejects" for a period of at least 60 days prior to being declared by

the warehouse or distributor as idle and excess.

(8) "Menders" means menders arising in the production of electrolytic tin plate which tin plate has been rejected by the producer by reason of defects which disqualify such tin plate from sale as "primes" or "seconds" and which tin plate has been (i) mended into coke tin plate primes or seconds by hot dipping in tin or (ii) mended into terne plate by hot dipping in terne metal.

**(b) Manufacture of tin plate and terne plate.** Tin plate and terne plate may be manufactured for the purposes set forth below. However, coating of tin or terne metal per single base box of tin plate or terne plate must not exceed the maximum indicated below for the particular permitted use. Coating shall be determined on the basis of average spot coating tests, in the case of electrolytic plate, and on the basis of pot yield, in the case of hot dipped plate. No person may use terne metal of over 15% tin content.

**(c) Manufacture of terne metal.** Pig or secondary tin may be used to make terne metal.

**(d) Certificates.** No person shall sell or deliver any tin plate or terne plate to any person unless he gives with his purchase order a certificate in the form provided for in § 338.8 (d).

**(e) Tin plate and terne plate.** Tin plate and terne plate may be used only for the following purposes:

Permitted use	Permitted material	Maximum permitted coating of tin or of terne metal (per single base box)
[See pars. (g) and (h) below]		
1. Cheese vats; lining of drying chambers for milk and egg dehydration; and maple syrup evaporators.	Hot dipped tin plate.....	11 lb. per base box.
2. Gas meters	do.....	6.0 lb. per base box (4A charcoal).
3. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	do.....	3.30 lbs. per base box (2A charcoal).
4. Closures (including crowns):		
(a) Closures for all food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat; and olives, pickles, relishes, sauces, vinegar, French dressing, flavoring extracts, spices, mustard, horseradish and cherries.	do.....	1.80 lbs. per base box.
(b) Closures for steel drums.	do.....	1.25 lb. per base box.
(c) All other closures and crowns whether for domestic or export use.	Electrolytic tin plate.....	Do.
5. Cylinder liners for lard and fruit presses; chaplets, skimates, and the forms for foundry use; integral parts of signal cells—but only for current collectors and baskets; repair parts for domestic laundry equipment; textile spinning cylinders, card screens, spools and bobbins; and torpedoes for oil and gas well shooting.	Hot dipped tin plate.....	Do.
6. (a) Food preparation and cooking equipment.	do.....	Do.
(b) All other kitchen equipment.	Electrolytic tin plate.....	Do.
7. Diamond cutting wheels; dusters and sprayers, hand, for disinfectant and pest control and parts requiring soldering coatings; equipment or appliance parts requiring solderless coatings.	do.....	As permitted by §§ 338.31-338.46.
8. Cans.	Long ternes.....	10 lb. per base box.
9. Smoke pipe elbows and fittings; roofing, gutters, downspouts and fittings for same; roof flashings, exterior louvres and exterior shutters, where such flashings, louvres and shutters are to be soldered and painted.	do.....	6 lb. per base box.
10. Fuel tanks for automotive equipment; hot water heater flue jacket liners and other parts exposed to flame or hot flue gases.	As specified (including performance specifications)	
11. Articles to be purchased by or for the account of the National Military Establishment, the Atomic Energy Commission, the United States Maritime Commission, and the Veterans' Administration.		

(f) *Additional permitted uses.* Any person may use electrolytic tin plate having a coating not to exceed .25 lb. per base box, terne plate having a coating not to exceed 1.30 lbs. per single base box, tin plate waste-waste, terne plate waste-waste, tin plate scrap or terne plate scrap, for any purpose; further, any person may use terne plate having a coating not to exceed 4.0 lbs. per single base box for any purpose, except to make items listed under § 338.9 and cans as covered by Order M-81, §§ 338.31-338.46. In addition, any person may use tin plate or terne plate for any purpose (except to make items listed in § 338.9 and cans as covered under Order M-81, §§ 338.31-338.46) if his total annual consumption of tin plate and terne plate (including tin plate and terne plate as noted above) does not exceed 100 base boxes.

(g) *Optional use of 0.50 and heavier electrolytic tin plate.* Where hot dipped tin plate is permitted to be used for an item listed in paragraph (e) of this section (except cans covered by §§ 338.31-338.46), the manufacturer may substitute electrolytic tin plate having a coating of 0.50 lb. per base box or heavier electrolytic coating.

(h) *Use of idle and excess inventories of tin plate and of tin plate and terne plate menders.* (1) Idle and excess inventories of hot dipped tin plate and hot dipped tin plate menders or reconditioned tin plate may be used without regard to weight of coating for any purpose where electrolytic tin plate is permitted under §§ 338.25 (e).

(2) Idle and excess inventories of electrolytic tin plate and of terne coated menders arising from the production of electrolytic tin plate may be used without regard to the weight of coating for any purpose where any tin plate or terne plate is permitted under § 338.25 (f).

(3) All deliveries and lists of idle and excess inventories of tin plate and of tin plate and terne plate menders shall be certified to in accordance with § 338.25 (d).

Issued this 2nd day of June 1949.

OFFICE OF DOMESTIC  
COMMERCE,  
[SEAL] RAYMOND S. HOOVER,  
*Issuance Officer.*

[F. R. Doc. 49-4574; Filed, June 3, 1949;  
9:47 a. m.]

[Allocation Order M-81, as amended June  
2, 1949]

#### PART 338—ALLOCATION ORDERS

##### SUBPART—CANS

Subpart—Cans, §§ 338.31-338.46 (Allocation Order M-81, as amended March 21, 1949) is hereby amended to read as follows:

##### PURPOSE

Sec.

338.31 What this subpart does.

##### DEFINITIONS

338.32 Definitions.

##### RESTRICTIONS ON CAN MANUFACTURERS

338.33 General restrictions on sale, manufacture and delivery.

338.34 Completion and sale of outdated cans.

RESTRICTIONS ON CAN USERS	
Sec.	
338.35	General restrictions on use of cans.
338.36 Exceptions.	
MISCELLANEOUS PROVISIONS	
338.37	Appeals.
338.38	Communications.
338.39	Violations.

##### SCHEDULE I

338.45	Schedule I, can specifications.
338.46	Equitable distribution of cans.

AUTHORITY: §§ 338.31 to 338.46 issued under Title III, 56 Stat. 177, as amended, Pub. Law 469, 80th Cong.; 50 U. S. C. App. and Sup. 633; Parts II, III, E. O. 9841, Apr. 23, 1947, 12 F. R. 2645, 3 CFR, 1947 Supp.; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823, 3 CFR, 1948 Supp.

##### PURPOSE

§ 338.31 *What this subpart does.* This subpart places restrictions upon cans made of tinplate or terneplate. Cans made exclusively of blackplate or tinplate waste, terneplate waste, tinplate waste-waste, or terneplate waste-waste and not restricted by this subpart. The subpart does not set quotas for can users or limit can sizes. Section 338.45 sets out tinplate and terneplate specifications for cans for various products with certain exceptions set forth in § 338.36.

##### DEFINITIONS

§ 338.32 *Definitions.* For the purposes of this subpart:

(a) "Can" means an unused container made in whole or in part of tinplate or terneplate which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tinplate or terneplate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(b) "Tinplate" means steel sheets coated with tin (including primes and seconds) and includes (1) electrolytic tinplate in which tin coating is applied by electrolytic deposition, and (2) hot dipped tinplate in which tin coatings are applied by immersion in molten tin. The term does not include tinplate waste-waste or tinplate waste.

(c) "Terneplate" means steel sheets coated with terne metal (including primes and seconds). The term does not include terneplate waste-waste or terneplate waste.

(d) "SCMT" means special coated manufacturers' terneplate.

(e) "Waste" means scrap tinplate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans and tinplate and terneplate strips produced in the ordinary course of manufacturing tinplate and terneplate. The term also includes tinplate and terneplate parts recovered from used cans.

(f) "Waste-waste" means hot dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(g) "Blackplate" means steel sheets (other than tinplate or terneplate) 29 gauge or lighter. The term includes

"blackplate rejects", chemically treated blackplate (CTB), tinplate waste-waste, terneplate waste-waste, tinplate waste and terneplate waste.

(h) "Idle and excess inventories" means (1) inventories of tinplate accumulated at a steel mill which have resulted from over-runs on individual special tinplate orders and which material has been offered for sale on the domestic market by the mill as "primes", "seconds included", "seconds arising", "seconds in addition", "unassorted" or "rejects" for a period of at least 30 days prior to being declared by the mill as idle and excess; (2) inventories of tinplate in the possession of a warehouse or distributor which have been offered for sale by the warehouse or distributor on the domestic market as "primes", "seconds included", "seconds arising", "seconds in addition", "unassorted" or "rejects" for a period of at least 60 days prior to being declared by the warehouse or distributor as idle and excess.

(i) "Menders" means menders arising in the production of electrolytic tinplate which tinplate has been rejected by the producer by reason of defects which disqualify such tinplate from sale as "primes" or "seconds" and which tinplate has been (1) mended into coke tinplate primes or seconds by hot dipping in tin, or (2) mended into SCMT by hot dipping in terne metal.

##### RESTRICTIONS ON CAN MANUFACTURERS

§ 338.33 *General restrictions on manufacture, sale and delivery.* No person shall manufacture, sell or deliver any cans which he knows, or has reason to believe, will be accepted or used in violation of any provision of this subpart.

(a) *Use of idle and excess inventories of tinplate and of tinplate menders.* Irrespective of any restrictions to the contrary in this order, idle and excess inventories of tinplate and of tinplate menders may be used by can manufacturers in the manufacture of cans for packing any product for which 0.50 pound or heavier tinplate coating is permitted under § 338.45 (Schedule I).

(b) *Use of idle and excess inventories of electrolytic tinplate and use of terne-coated menders.* Irrespective of any restrictions to the contrary in this order, idle and excess inventories of electrolytic tinplate may be used by can manufacturers in the manufacture of cans for packing any products for which tinplate, SCMT or terneplate is permitted under § 338.45 (Schedule I). Also, SCMT menders produced in the process of manufacturing electrolytic tinplate may be used by can manufacturers for the same purpose.

§ 338.34 *Completion and sale of outdated cans.* Whenever can material specifications for a product are changed by an amendment to this subpart, a can manufacturer may continue to sell, make and deliver cans for that product in accordance with the former specifications and must not make any cans conforming to the new specifications as long as there is available to him tinplate, or terneplate which was intended for use under the former specifications, and which was in process at the tin mill or

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in its inventory for his account, or in his own inventory on the date of the change.

## RESTRICTIONS ON CAN USERS

**§ 338.35 General restrictions on use of cans.** No person may use a tinplate or terneplate can for any purpose other than for packing the products listed in Schedule I in accordance with the material limitations set forth in that schedule. The only exceptions to this section are set forth in § 338.36.

**§ 338.36 Exceptions—(a) 0.25 electrolytic tinplate or special coated manufacturers' terneplate cans for any product.** Cans made from 0.25 electrolytic tinplate or special coated manufacturers' terneplate may be used for packing any product.

**(b) Cans permitted before an amendment.** Whenever can material specifications for a product are changed by an amendment to this subpart, any person may pack that product in any can which was permitted before the amendment if the can, or the tinplate or terneplate incorporated in it, was in his inventory, in the inventory of the can manufacturer, or in the process or in inventory at a tin mill for the account of the can manufacturer on the date of the amendment. A packer may accept and use any outdated cans for any product produced under § 338.34 which the can manufacturer offers to him before using any cans for that product produced under the new specifications.

**(c) Products which are not to be sold.** Cans may be used to pack any product which is not to be sold in the same or different form, but this does not permit the use of cans contrary to the other provisions of this subpart for the purpose of aiding or promoting the sale of a product.

## MISCELLANEOUS PROVISIONS

**§ 338.37 Appeals.** Appeals for relief or exemption from the provisions of this subpart or ODC action thereunder shall be filed in accordance with §§ 336.51 to 336.61 (Allocation Regulation 3), by addressing a letter in triplicate to the General Products Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-81. The letter of appeal should state the provision of Order M-81 appealed from, the precise relief desired and the reasons why denial of the appeal would result in undue and excessive hardship on the appellant not suffered by others similarly situated or would result in improper discrimination.

**§ 338.38 Communications.** All communications concerning this subpart shall, unless otherwise directed, be addressed to: General Products Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: M-81.

**§ 338.39 Violations.** Any person who wilfully violates any provision of this subpart or who, in connection with this subpart, wilfully conceals a material fact or knowingly furnishes false information to any department or agency of the United States is guilty of a crime, and

upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under allocation control.

## SCHEDULE I

**§ 338.45 Schedule I, can specifications.** Columns (2) and (3) specify the weights of tinplate or terneplate which may be used for the soldered, welded and non-soldered parts of cans for the products listed in Column (1).

Any person may use for packing a listed product blackplate cans or cans with a tin coating lighter than that specified for that product.

Wherever 0.25 electrolytic tinplate is specified, SCMT may be used. When only a figure is given in Column (2) or (3), this means that tinplate may be used for the part, and the figure given indicates the maximum weight of tin coating per single base box.

When a scored can is used to pack any of the meat products listed in this section, 1.25 tinplate may be used for the body of the can.

The use of 0.50 electrolytic tinplate is permitted for the following:

- (a) all hand soldered cans.
- (b) all cans manufactured on inside soldered horses.
- (c) drawn necks and nozzles.
- (d) soldered parts for all 5 gal. cans.

## CAN SPECIFICATIONS

Product	Soldered or welded parts	Non- soldered parts	
(1)	(2)	(3)	
<i>Fruit and fruit products</i>			
1. Apples, including crabapples	1.50	1.50	
2. Apple butter	1.50	1.80	
3. Apple juice:			
a. Enamelled cans	1.50	1.50	
b. Plain bodies	1.50	.50	
4. Apple sauce, including sauce from crabapples	1.50	.50	
5. Apricots	1.50	1.50	
6. Bananas	1.25	1.25	
7. Berries	1.50	1.50	
8. Cherries	2.50	2.50	
9. Cherry juice	1.50	1.50	
10. Citrus concentrates	1.50	1.50	
11. Citrus pulp and peel	1.50	1.50	
12. Cranberries	1.50	1.50	
13. Currants	1.50	1.50	
14. Dehydrated fruits except prunes	.50	.50	
15. Dehydrated prunes	1.25	1.25	
16. Figs	1.50	.50	
17. Fruit cocktail	1.50	.50	
18. Frozen fruit	.50	.50	
19. Fruits, mixed and for salad	1.50	.50	
20. Grape juice and grape pulp	1.50	1.50	
21. Grapes	1.50	1.50	
22. Grapefruit juice	1.25	1.25	
23. Grapefruit, orange or mixed segments	1.25	1.25	
24. Jams, jellies, marmalades and preserves	1.50	1.50	
25. Lemon juice	1.50	1.50	
26. Lime juice	1.50	1.50	
27. Nectars	1.50	1.50	
28. Olives:			
a. Whole	1.50	1.50	
b. Chopped	1.50	1.50	
29. Orange juice	1.25	1.25	
30. Orange-grapefruit juice	1.25	1.25	
31. Papayas and juice	1.25	1.25	
32. Peaches	1.50	.50	
33. Pears	1.50	.50	
34. Pectin	1.50	1.50	
35. Pineapple	1.25	1.25	
36. Pineapple juice	1.25	1.25	
37. Plums	1.50	1.50	
38. Prunes, dried in syrup	2.50	2.50	
39. Prunes, fresh	1.50	1.50	
40. Prune juice	2.50	2.50	
41. Quinces	1.50	1.50	
<i>Vegetable and vegetable products</i>			
42. Artichokes			1.25
43. Asparagus			1.50
44. Beans, dried			1.25
45. Beans, green or wax			1.25
46. Beans, fresh shelled			.50
47. Beans and bamboo sprouts			.50
48. Beets			1.25
49. Broccoli			1.25
50. Brussels sprouts			.50
51. Carrots			1.25
52. Carrot juice			.50
53. Cabbage			1.25
54. Cauliflower			.50
55. Celery			1.25
56. Celery juice			.50
57. Chard			1.25
58. Chili sauce			1.25
59. Chow-chow			1.50
60. Corn			.50
61. Corn on cob			.50
62. Dehydrated vegetables			.50
63. Frozen vegetables			.50
64. Green leafy vegetables			1.25
65. Hominy			1.25
66. Lentils			.50
67. Mixed vegetables, fresh			1.25
68. Mushrooms			.50
69. Okra			1.25
70. Onions			.50
71. Peas, green			.50
72. Peas and carrots			1.25
73. Pickles			1.75
74. Pimientos and peppers			.50
75. Potatoes, sweet			1.25
76. Potatoes, white (sticks and chips not included)			1.25
77. Pumpkins and squash			.50
78. Rhubarb			1.50
79. Rice			.50
80. Rutabagas			1.25
81. Sauerkraut			1.75
82. Sauerkraut juice			1.50
83. Soups			.50
84. Succotash			.50
85. Tomatoes			1.25
86. Tomatoes and okra			1.25
87. Tomato catsup			1.25
88. Tomato juice			1.25
89. Tomato juice with other vegetable juices			1.25
90. Tomato paste			1.25
91. Tomato pulp and puree			1.25
92. Tomato sauce, including spaghetti sauce			1.25
93. Turnips			1.25
<i>Fish and shellfish (processed and in hermetically sealed cans)</i>			
94. Anchovies			.50
95. Caviar			.50
96. Clams			.50
97. Codfish cakes			.50
98. Crabmeat			.50
99. Crawfish			.50
100. Eels			.50
101. Finnan haddie			.50
102. Fish flakes			.50
103. Fish, ground			.50
104. Fish livers and fish liver oils			1.25
105. Fish roe			.50
106. Fish, pickled			1.50
107. Herring, Atlantic Sea, including sardines:			
a. Round cans			.50
b. Oblong cans			1.50
c. Oval cans			1.50
108. Herring, Pacific Sea			.50
109. Herring, river, including alewives			.50
110. Lobster			.50
111. Mackerel			.50
112. Menhaden			.50
113. Mullet			.50
114. Mussels			.50
115. Oysters			.50
116. Pilchards, including sardines:			
a. Round cans			.50
b. Oblong cans			1.50
c. Oval cans			1.50
117. Salmon			1.25
118. Scallops			.50
119. Shad			.50
120. Shrimp			.50
121. Shrimp, fresh cooked Alaska refrigerated			1.25
122. Squid			.50
123. Tuna			.50
124. Turtle			.50
125. Fresh refrigerated sea food (nonprocessed)			1.25

## CAN SPECIFICATIONS—Continued

CAN SPECIFICATIONS—Continued			CAN SPECIFICATIONS—Continued			CAN SPECIFICATIONS—Continued		
Product	Soldered or welded parts	Non-soldered parts	Product	Soldered or welded parts	Non-soldered parts	Product	Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)	(1)	(2)	(3)	(1)	(2)	(3)
<i>Dairy products</i>								
126. Butter and margarine.....	0.50	0.50	165. Macaroni with cheese or tomato sauce.....	1.25	0.50	198. Hair dressing and pomades.....	0.50	0.50
127. Cheese.....	.50	.50	156. Mayonnaise and salad dressing.....	1.50	1.50	199. Ink, spirit aniline and roto-gravure.....	.50	.50
128. Cream, frozen.....	1.25	1.25	157. Malted milk.....	.50	.50	200. Insecticides and fungicides.....	1.25	1.25
129. Ice cream and ice cream mix (wet).....	.50	.50	158. Mince meat.....	1.50	1.50	201. Leather dressing and saddle soap.....	.50	.50
130. Liquid modifications of milk.....	.75	.75	159. Oils, liquid, edible:	1.25	1.25	202. Moth crystals and moth-proofing liquids.....	.50	.50
131. Milk, condensed.....	1.25	1.25	a. 5-gal. or larger.....	1.25	1.25	203. Nicotine sulphate.....	1.50	1.50
132. Milk, evaporated.....	1.25	1.25	b. Under 5 gallons.....	1.25	.50	204. Oils, essential: distilled or cold pressed.....	1.25	1.25
133. Milk, goat.....	1.25	1.25	160. Pastes and condiments.....	1.50	1.50	205. Oils, industrial, vegetable, animal and fish.....	.50	.50
134. Milk (whole or skimmed) dry or powdered.....	.50	.50	161. Peanut butter and other nut butters.....	.50	.50	206. Oils, transformer.....	.50	.50
<i>Meat and meat products (processed and in hermetically sealed cans)</i>								
135. Meat products as follows:			162. Potato salad.....	1.50	1.50	207. Ointments and salves.....	.50	.50
a. Bacon:			163. Ravioli.....	1.25	.50	208. Photo developer and fixer powders.....	.50	.50
1. 14 lb. or larger.....	1.25	1.25	164. Shortening, vegetable and animal.....	.50	.50	209. Paints:		
2. Under 14 lb.....	.50	.50	165. Soda fountain fruit and other acid syrups.....	1.50	1.50	a. Aluminum paint.....	.50	.50
b. Beef, veal, and mutton or pork (corned, roast or boiled):			166. Spaghetti in sauce.....	1.25	.50	b. Copper bottom or anti-fouling thinner.....	1.50	1.50
Cans with all seams soldered.....	1.25	1.25	167. Special dietary foods.....	.50	.50	c. Lacquer and lacquer thinner.....	.50	.50
Cans with only side seams soldered.....	.50	.50	168. Syrups, sweet:			d. Paste water paints.....	.50	.50
c. Brains.....	.50	.50	a. All seams soldered.....	1.25	1.25	e. Varnishes, oil stain, shingle stain.....	.50	.50
d. Chilli con carne.....	.50	.50	b. Only side seams soldered.....	1.25	.50	210. Plastic wood.....	1.25	1.25
e. Corned beef hash.....	.50	.50	169. Syrup, chocolate.....	.50	.50	211. Phosphorus.....	1.25	1.25
f. Hamburger with or without onions.....	.50	.50	170. Syrup, malt.....	.50	.50	212. Polishes and waxes (water base only).....	1.25	1.25
g. Hams, whole.....	1.25	1.25	171. Yeast.....	.50	.50	213. Potassium permanganate, reagent grade.....		
h. Ham and eggs.....	.50	.50	172. Any food product for U. S. Army, U. S. Navy and Agriculture Department (including Commodity Credit Corporation).....	Any	Any	214. Sacharin.....	.50	.50
i. Luncheon meats.....	.50	.50	<i>Non-food products</i>			215. Seed inoculants.....	.50	.50
j. Meal and gravy, including goulash.....	.50	.50	173. Abrasives and valve grinding compounds.....	.50	.25	216. Shaving cream, brushless.....	1.50	1.50
k. Meat loaf.....	.50	.50	174. Alcohol, pharmaceutical and chemically pure.....	1.25	1.25	217. Shellac.....	(l)	(l)
l. Meat spreads.....	.50	.50	175. Aniline.....	1.25	1.25	218. Soap:		
m. Pickled pigs feet.....	1.50	1.50	176. Auto supplies, only as follows:			a. Liquid, synthetic detergents.....	1.25	1.25
n. Pork and soya links.....	.50	.50	a. Radiator antirust compound, liquid.....	.50	.50	b. Paste.....	.50	.50
o. Potted meats.....	.50	.50	b. Radiator stop-leak.....	1.25	1.25	219. Snuff.....	.50	.50
p. Sausage, bulk.....	.50	.50	177. Bee feeder, cans for use in shipping bees.....	.50	.50	220. Sodium and potassium metals.....	.50	.50
q. Sausage in casings:			178. Benzol, toluene, naptha, xylene.....	.50	.50	221. Sodium peroxide.....	.50	.50
1. Vienna sausage.....	.50	.50	179. Blood plasma.....	.50	.50	222. Stamp pads.....	.50	.50
2. Frankfurters, pork sausage.....	.50	.50	180. Boiler sealing compounds (liquid).....	1.25	1.25	224. Toilet bowl and drain cleaners.....	.75	.75
3. Sausage in oil, lard or rendered pork fat.....	.50	.50	181. Cements, only as follows:			225. Turpentine.....	.50	.50
r. Scrapple.....	.50	.50	a. Neoprene base rubber, other synthetic rubbers, natural rubber and linoleum.....	1.25	1.25	226. Varnish and paint remover.....	.50	.50
s. Stews.....	.50	.50	182. Chemicals, dry, only as follows:			227. Weed killer.....	.50	.50
t. Tamales.....	.50	.50	a. Phenols.....	1.50	1.50	228. Worm killer, sheep and cattle dip, sheep and horse drench, poultry remedies and other liquid disinfectants		
u. Tongue.....	.50	.50	b. Ammonium salts.....	1.25	1.25	a. For external use.....	.50	.50
v. Tripe.....	1.25	1.25	c. Cyanide salts.....	1.25	1.25	b. For internal use.....	1.25	1.25
<i>Poultry and poultry products (processed and in hermetically sealed cans)</i>			183. Chemicals, liquid, only as follows:	(l)	(l)	229. Roost paints.....		
136. Chicken and veal with noodles.....	.50	.50	a. Alcohols, aldehyde and halogenated hydrocarbons.....	1.25	1.25	230. Any nonfood product for U. S. Army or U. S. Navy use only.....	Any	Any
137. Chicken or turkey a la king.....	.50	.50	b. Chloropicrin.....	.50	.50			
138. Enchiladas.....	.50	.50	c. Bromoacetone.....	.50	.50			
139. Turkey or chicken:			d. Monochloroacetone.....	.50	.50			
a. Whole.....	1.25	1.25	e. Acrolein.....	.50	.50			
b. Other than whole.....	.50	.50	f. Sodium silicate.....	.50	.50			
140. Poultry spreads.....	.50	.50	184. Cleaners, only as follows:					
<i>Miscellaneous food products</i>			a. Wall paper.....	1.25	1.25			
141. Baby foods:			b. Window spray and other glass cleaning liquids.....	1.25	1.25			
a. Chopped and pureed meats.....	1.50	1.50	c. Radiator liquid.....	.50	.50			
b. Chopped and pureed meats.....	1.50	1.50	d. Other cleaning fluids.....	.50	.50			
c. Liquid milk formula.....	1.25	1.25	185. Chloroform and ether.....	1.25	1.25			
d. Soybean milk, liquid.....	.50	.50	186. Cold cream, lotions and hair wave preparations.....	1.50	1.50			
e. Dry or powdered milk formula.....	.50	.60	187. Creosote and wood preservatives.....	.50	.50			
142. Bakery products containing more than 12% moisture.....			188. Deodorizers.....	1.25	1.25			
143. Beer.....	1.25	.50	189. Disinfectants and germicides.....	.50	.50			
144. Cereal.....	.50	.50	190. Drugs and other dry fine medicinals.....	.50	.50			
145. Chop suey.....	1.25	.50	191. Dyes.....	1.25	1.25			
146. Chow mein.....	1.25	.50	192. Explosives.....	.50	.50			
147. Coconut, shredded.....	1.25	1.25	193. Film boxes.....	.50	.50	[SEAL]	RAYMOND S. HOOVER,	
148. Coffee (soluble only).....	.50	.50	194. Fire extinguisher fluid or powder.....	.50	.50	Issuance Officer.		
149. Eggs:			195. Glues and adhesives.....	1.25	1.25			
a. Frozen.....	.50	.50	196. Glycerine.....	1.50	1.50	[F. R. Doc. 49-4573; Filed, June 3, 1949; 9:47 a. m.]		
b. Dry or powdered.....	.50	.50	197. Grain fumigant, liquid.....	.50	.50			
150. Extracts and flavorings, liquid.....	1.25	1.25						
151. Fruit puddings.....	1.50	1.50						
152. Honey.....	1.25	1.25						
153. Lima bean loaf.....	.50	.50						
154. Lobster newburg.....	.50	.50						

§ 338.46 *Equitable distribution of cans.*  
It is the policy of the Government that manufacturers observe the following principles in distributing their production of cans:  
(a) Adequate provision for food pack.  
(b) Equitable distribution among and within various groups of can users, including special consideration for small business and hardship cases and such provision as is reasonable and practical for newcomers.

Issued this 2d day of June 1949.

OFFICE OF DOMESTIC COMMERCE,

RAYMOND S. HOOVER,

Issuance Officer.

## RULES AND REGULATIONS

**Subchapter C—Office of International Trade**  
 [Fourth General Revision of Export Regulations]

**REVISION OF EXPORT REGULATIONS**

*Introductory statement and explanation.* The purpose of this Fourth General Revision of Export Regulations is to codify the regulations relating to the control of exports continued or issued under the authority of the Export Control Law of 1949, Public Law 11, 81st Congress.

This revision supersedes the Third General Revision of Export Regulations, issued July 17, 1948, and published in 13 F. R. 4069 et seq., as amended by Amendments No. 1 through 58 and Amendments P. L. No. 1 through P. L. No. 28, with the exception of saving clauses contained in any such amendments. In addition, this codification contains regulations published in recent Current Export Bulletins through No. 525 and certain subjects in Nos. 527 and 528, some of which are incorporated herein for the first time and which were adopted in the course of preparing this codification. The export control regulations are also published in the Comprehensive Export Schedule and Current Export Bulletins issued by the Office of International Trade.

In making this revision certain obsolete provisions of the export regulations have been deleted, minor revisions have been made in the text of the regulations for the purpose of clarification, and the order of some of the parts or sections within parts have been rearranged.

Copies of all forms required by the export regulations are filed with the Division of the Federal Register.

Part  
 370 Scope of export control by Department of Commerce.  
 371 General licenses.  
 372 Provisions for individual and other validated licenses.  
 373 Licensing policies and related special provisions.  
 374 SP (Special) licenses.  
 375 BLT (Blanket) licenses.  
 376 Multiple consignee (MCL) licenses.  
 377 Licenses for multiple shipments of gift parcels.  
 378 [Deleted, effective May —, 1949.]  
 379 Export clearance.  
 380 License changes.  
 381 Enforcement provisions.  
 382 Denial of licensing privileges.  
 383 Appeals.  
 384 General orders.  
 385-398 [Reserved.]  
 399 Positive List of Commodities and Related Matters.

**PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE**

Sec.  
 370.1 Definitions.  
 370.2 Prohibited exportations.  
 370.3 Shipments to Canada for reexportation to another foreign country.  
 370.4 Prohibited exportations to certain consignees.  
 370.5 Arms, ammunition, and implements of war; helium.  
 370.6 Gold and narcotics.  
 370.7 Exportation of commodities subject to Atomic Energy Act.  
 370.8 Shipments to territories, dependencies, and possessions of the United States.

Sec.  
 370.9 In-transit shipments without unloading.  
 370.10 Shipments entering foreign trade zones.  
 370.11 Reexportation under license previously granted.

AUTHORITY: §§ 370.1 to 370.11 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 370.1 *Definitions.* When used in Parts 370 to 399, inclusive:

(a) *Person.* "Person" shall be construed to mean the singular or plural, an individual, corporation, partnership, association, company or any other kind of organization whatsoever, including any government or agency thereof.

(b) *The United States.* "The United States" shall unless otherwise specifically stated, be construed to include the District of Columbia, the Canal Zone, and all territories, dependencies, and possessions of the United States.

(c) *Export-control law.* "Export-control law" means Export Control Act of 1949 and includes section 6 of the act of July 2, 1940, 54 Stat. 714, as amended.

(d) *Department of Commerce.* "The Department of Commerce" shall be construed to refer to and include the Office of International Trade of the Department of Commerce.

(e) *Schedule B numbers.* "Department of Commerce Schedule B numbers" is defined as numbers so designated, appearing in the Department of Commerce publication, "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States," issued January 1, 1949.

(f) *Commodity.* "Commodity" means any article, material, or supply except technical data.

(g) *Positive List of Commodities.* "Positive List of Commodities" means the list of commodities incorporated in § 399.1.

(h) *Validated license.* "Validated license" means an individual or other type of export license or any other document authorizing exportation granted or issued by or under the authority of the Department of Commerce. The term also includes the phrase "licenses granted or issued upon application" and words of similar import and, unless the context otherwise indicates, the phrase "export license."

(i) *License application.* "Application for license" and "license application" and words of similar import mean an application for a validated license.

(j) *General license.* "General license" means a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in Parts 370 to 399, inclusive.

(k) *Port of exit; Collector of Customs; Export Declaration.* "Port of exit" includes, in the case of an exportation by mail, the place of mailing; "Collector of Customs" includes postmasters unless the context otherwise indicates; and "Shipper's Export Declaration" includes

any declaration required under regulations of the Department of Commerce and other Government departments or agencies in connection with exportations.

(l) *Exporting carrier.* "Exporting carrier" includes any instrumentality of water, land, or air transportation by which an exportation is effected.

(m) *Consignee.* "Consignee" includes ultimate consignee or purchaser.

(n) *Accepted order.* "Accepted order" means an accepted order for export as described in § 373.1 (b) and includes, when accepted, an order of the kind described in § 372.1 (e).

(o) *Export-control document.* "Export-control document" means a validated export license, an authenticated shipper's export declaration based upon such a license or used to effect a shipment under general license, a dock receipt or bill of lading issued by any carrier upon the basis of such validated license or export declaration, or any other document provided under these regulations to be evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license.

"Export-control document" also means the following documents: Customs Form 3139, Application for Identification Card of Authorized Forwarding Agent or Exporter, and Customs Form 3141, Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof.

(p) *Parties.* "Parties" in connection with any export-control document and any exportation means (1) the licensee named in the export-control document (identified in shipper's export declaration forms as "principal or seller"), who shall be the exporter; (2) the purchaser or ultimate consignee named in the export-control document, who (i) shall be the person to whom the licensee is authorized to export, whether by sale, consignment, or otherwise, and (ii) shall be situated in the country of ultimate destination named in the same document; and (3) the intermediate consignee named in the export-control document (identified in Form IT 419 as "consignee"), to whom the commodities may be consigned for the purpose of effecting delivery to the purchaser or ultimate consignee.

§ 370.2 *Prohibited exportations—(a) General provisions.* The exportation from the United States of all commodities and the exportation from the United States of all technical data as defined in § 371.24 except to Canada (including Newfoundland and Labrador) or for the official use of or consumption by the United States armed forces when shipped by or consigned to any branch thereof, is hereby prohibited unless and until a license authorizing such exportation shall have been established or granted by the Department of Commerce.

(b) *Positive List of Commodities.* The commodities set forth on the Positive List of Commodities (incorporated in

§ 399.1) may not be exported from the United States to any destination unless and until a license authorizing the exportation shall have been applied for and granted or issued by the Department of Commerce, except where exportation of such commodities is authorized by the provisions of an established general license, as set forth in Part 371, and except where authorized with respect to certain commodities by the provisions of a footnote on the Positive List of Commodities, and where not subject as provided in paragraph (a) of this section to the general prohibition set forth therein.

**NOTE:** Where the commodity description of a Schedule B number in the Positive List mentions only a part of the commodities covered by the Schedule B listing, only the commodity or commodities specifically mentioned are included in the Positive List.

**§ 370.3 Shipments to Canada for reexportation to another foreign country.** The exportation from the United States of all commodities and all technical data as defined in § 371.24 to Canada (including Newfoundland and Labrador) with the knowledge or intention that they are to be reexported therefrom to another foreign destination is hereby prohibited unless there has been established or granted upon application a license authorizing the exportation thereof to the country of ultimate destination.

**§ 370.4 Prohibited exportations to certain consignees.** The exportation from the United States of all commodities, and all technical data as defined in § 371.24, to any member of the armed forces of an enemy country, who is a prisoner of war, except pursuant to general license established by § 371.26, is hereby prohibited, regardless of destination, unless and until an individual license authorizing such exportation shall have been issued by the Department of Commerce. Exportations may not be made under any general license to interned German or Japanese nationals.

**§ 370.5 Arms, ammunition, and implements of war; helium.** Regulations promulgated by the Secretary of State on June 2, 1942 (7 F. R. 4216 et seq.), shall continue to govern the exportation of arms, ammunition, and implements of war, and helium, except that no export license shall be issued where the proposed exportation would be contrary to the foreign policy of the United States.

**§ 370.6 Gold and narcotics—(a) Gold.** The gold regulations promulgated by the Secretary of the Treasury under the authority of the Gold Reserve Act of 1934 (31 CFR, Part 54), as amended, shall govern the exportation of gold except that the exportation of fabricated gold (as defined in said regulations, except dental gold) of which not more than 80 percent of the total domestic value is attributable to the gold content thereof shall also be subject to Parts 370 to 399, inclusive.

**(b) Narcotics.** The regulations contained in Parts 370 to 399, inclusive, shall not govern the exportation of narcotic drugs and marihuana subject to the Narcotics Drugs Import and Export Act (21 U. S. C. 171 et seq.) and Marihuana Tax Act of 1937 (26 U. S. C. 2590, 3230 et seq.).

as amended, respectively, and regulations promulgated thereunder, administered by the Treasury Department, Bureau of Narcotics.

**§ 370.7 Exportation of commodities subject to Atomic Energy Act.** Regulations promulgated by the Atomic Energy Commission under the authority of the Atomic Energy Act of 1946 (11 CFR, Parts 40 and 50), or as the same may be amended from time to time, shall govern the exportation of "source material" and "facilities for the production of fissile material" as defined and described in said act and regulations.

**§ 370.8 Shipments to territories, dependencies, and possessions of the United States—(a) Territories, dependencies, possessions.** No license is required for shipments from the United States to any territory, dependency, or possession of the United States.

**(b) Trust Territory of the Pacific Islands.** For the purpose of export control, the Trust Territory of the Pacific Islands (i. e., the Caroline Islands, the Marshall Islands, and the Marianas Islands, except Guam, which is an island possession of the United States) shall be accorded the same treatment as the territories and possessions of the United States and, accordingly, an export license is not required for shipments of commodities thereto.

**§ 370.9 In-transit shipments without unloading.** Commodities shipped by vessel from one foreign country and passing through the United States in transit to another foreign country may be exported without a license from the Department of Commerce if, while in waters subject to the jurisdiction of the United States, they have not been unladen from the vessel on which they entered such waters.

**§ 370.10 Shipments entering foreign trade zones.** Except for the commodities listed in § 371.9 (c), commodities wholly of foreign origin and for which no customs entry has been made with a collector of customs may be exported from a foreign trade zone without a license from the Department of Commerce.

**§ 370.11 Reexportation under license previously granted.** Shipments properly presented and cleared for exportation and exported which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination, may be reexported to the consignee and destination to which the shipment was originally cleared without the procurement of a new license: *Provided*, That satisfactory evidence of the validity of the original clearance is submitted to a United States collector of customs.

**NOTE:** Such evidence may consist of a copy of the original export declaration or the exporting carrier's outward manifest, or such other evidence as the collector may require. If the commodities are reexported to other than the original consignee, they must be treated as new exportations and are subject to current regulations of the Office of International Trade regarding the specific commodity.

#### PART 371—GENERAL LICENSES

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**AUTHORITY:** §§ 371.1 to 371.27 issued under Pub. Law 11, 81st Cong., E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

**§ 371.1 Definition.** A "general license" is a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in Parts 370 to 399, inclusive.

**§ 371.2 General provisions—(a) Export declarations.** No exportation may be made pursuant to any general license established in this part unless prior to said exportation, whenever required by Parts 370 to 399, inclusive, or by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States issued by the Bureau of the Census, a shipper's export declaration describing the commodity or commodities to be exported has been filed with the collector of customs at the port of exit or with the postmaster at the place of mailing; or, unless at the time of said exportation, whenever the filing of a shipper's export declaration is not required, an oral export declaration describing the commodity or commodities is made to a collector of customs at the port of exit.

**(b) Use of general license symbol.** A person exporting any commodity pursuant to any general license established in this part shall enter on the shipper's export declaration the name of the person to whom such commodity is ultimately consigned and the designation or symbol of the general license authorizing the exportation. In the case of exportations by mail the designation or symbol of the

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general license authorizing the exportation shall be written in ink on the address side of the wrapper of the parcel. The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions and conditions of the general license involved have been met.

(c) *Applicability.* When two or more types of general licenses are applicable, any one of such general licenses may be used.

**§ 371.3 General license country groups.** Two general license country groups are hereby designated: Group R and Group O.

(a) *Grouping of countries.* Country Group R includes and consists of the countries and other destinations enumerated in the schedule set forth below in this paragraph. Group O consists of all countries and other destinations not included in Country Group R, except Canada (including Newfoundland and Labrador).

## COUNTRY GROUP R

Aegean Islands (including the Dodecanese Islands).  
Albania.  
Andorra.  
Austria.  
Belgium.  
Bulgaria.  
Czechoslovakia.  
Denmark (except Greenland).  
Estonia.  
Finland.  
France (including Corsica).  
French North Africa (including Algeria, Tunisia, and French Morocco).  
Germany.  
Gibraltar.  
Greece (and its Mediterranean Islands).  
Hungary.  
Iceland.  
Ireland.  
Italy (and its Mediterranean Islands).  
Latvia.  
Liechtenstein.  
Lithuania.  
Luxembourg.  
Malta, Gozo, and Cyprus Islands.  
Monaco.  
The Netherlands.  
Norway.  
Poland and Danzig.  
Portugal (including Azores and Madeira Islands).  
Romania.  
San Marino.  
Spain and Possessions (including Balearic Islands; the Canary Islands; Spanish Morocco; Ceuta; Melilla; Ifni; Rio de Oro; Spanish Guinea, including Rio Muni and Fernando Po; Annobon, Corisco, and Elobey Islands).  
Sweden.  
Switzerland.  
Tangier (including the International Zone).  
Trieste, Free Territory of.  
Turkey (Asiatic and European).  
Union of Soviet Socialist Republics (European and Asiatic).  
United Kingdom of Great Britain and Northern Ireland.  
Vatican City.  
Yugoslavia.

(b) *Applicability to individual countries.* When a commodity is exportable under general license to a particular country group, it may, subject to the provisions of Parts 370 to 399, inclusive, be exported to any country or destination in that group.

**§ 371.4 Reexportation from country of destination.** No exportation may be made under any type of general license with the knowledge or intention that the commodities so exported are to be reexported from the country of destination unless the reexportation has been authorized by the Department of Commerce, except that reexports described below are authorized if made within the same quantity and dollar-value limitations applicable to exports under general licenses had shipment been made directly from the United States to the country to which reexported.

(a) *Reexportation from one Group O destination to another Group O destination.* All commodities, the exportation of which is permitted under general license to all destinations in Group O, may be reexported from Canada or from any destination then in Group O to any other destination then in Group O.

(b) *Reexportation of specified commodities from the Philippine Islands and North and South America.* All commodities, the exportation of which is permitted under general license GO to the Philippine Islands and all destinations in North and South America, as listed in Schedule C of the Bureau of the Census, may be reexported from Canada or from the Philippine Islands or any destination in North and South America, as listed in Schedule C, to the Philippine Islands or to any destination in North and South America, as listed in Schedule C.

(c) *Reexportation from one Group R destination to another Group R destination.* All commodities, the exportation of which is permitted under a general license to any destination in Group R, may be reexported from Canada or from any destination in Group R to any other destination in Group R.

**§ 371.5 Consignee control under general license—(a) Revocations and suspensions.** General licenses may be revoked or suspended as to any person in any destination.

(b) *Consignees.* Shipment under a general license may be made, subject to the provisions thereof, to any consignee in any country of destination except to any person as to whom the general license has been revoked or suspended.

**§ 371.6 Consignor control under general license.** General licenses may be

revoked or suspended as to any person within or without the United States by an order issued pursuant to the provisions of Part 382.

**§ 371.7 Country group general license GO—(a) Scope of license.** A general license designated GO is hereby established, subject to the other provisions of this section, authorizing the exportation of all commodities, except those commodities included on the Positive List of Commodities (§ 399.1), to destinations in Country Group O as designated in § 371.3 (a).

(b) *Footnotes on Positive List.* If reference is made to a footnote on the Positive List of Commodities which modifies or alters the general license established in this section, the provisions specified in such footnote shall govern notwithstanding any other provision.

(c) *Certain steel commodities.* Tin mill black plate rejects, wasters, and waste-wasters and cold-rolled carbon steel sheets, rejects, Schedule B No. 603530, may not be exported under general license GO unless such shipments are accompanied by inspection reports of a recognized commercial testing laboratory covering a recent inspection of the material and certifying that the material to be exported is as specified on the shipper's export declaration. Such inspection must be at least 10 percent random physical inspection of the total quantity of the proposed shipment. Such inspection reports must be presented to the collector of customs with the shipper's export declaration. Where the material is shipped directly for export by a producer, processor, or fabricator, or is being supplied direct from such a person to the exporter, the producer's, processor's, or fabricator's mill inspection report may be presented to the collector of customs in lieu of a testing laboratory report.

**§ 371.8 General license GRO—(a) Scope of license.** A general license designated GRO is hereby established authorizing the exportation to all destinations of certain commodities not included on the Positive List of Commodities (Part 399) but set forth in paragraph (b) of this section.

(b) *Commodity list.* The following specified commodities may be exported under the provisions of this general license GRO to all destinations:

COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO		
Department of Commerce Schedule B No.		Commodity
001900-----	Animals, edible: Poultry, live.	
002200-----	Meat products: Horse meat (all kinds).	
003901-----	Chicken, canned.	
003909-----	Other canned meats: duck, game, goose livers, poultry, except chicken and turkeys (report beef, canned in 003600; pork, canned in 003700; sausage, bologna, and frankfurters, canned, in 003800; chicken, canned in 003901, and canned baby food, meat, or chief value meat in 003908).	
004000-----	Poultry and game, fresh or frozen.	
004500-----	Other meats, except canned; roast chicken, frozen; smoked game, and smoked poultry (report poultry and game, fresh, or frozen in 004000; kidneys and livers, fresh, frozen, or cured, except canned, in 004100; tongues, fresh, frozen, pickled or cured, except canned, in 004300; sausage, ingredients, salted or otherwise cured, except canned, in 004400).	

COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued

Department of Commerce Schedule B No.		Commodity	FEDERAL REGISTER
B No.	Commodity	Commodity	
004600, 004800- 004998-	Meat products—Continued Sausage casings, natural; Sausage casings, artificial.	Grains and preparations—Continued Grains and preparations, n. e. s., except all preparations containing wheat flour classified under Schedule B No. 109900 (report barley, pearl barley, barley malt, buckwheat, corn in 101100-103170; corn meal in 103200; hominy and corn grits in 103300; grain sorghum in 103500; oats in 104100; rice in 105500-105750; rice flour, meal and polish in 105800; rye in 106100; wheat in 107100; wheat flour in 107300 and 107400; macaroni and macaroni products in 107700; bakery products in 107810; prepared mixes in 107900; and wheat cereal goods, wheat semolina and cereal foods, n. e. s. in 108000-109500).	
007000-007109- 007200-007609- 007700-007988- 008001, 008005- 008101-	Fish and fish products: Fish, fresh or frozen, whether or not whole (include fillets). Shellfish, fresh or frozen (include raw and fresh-cooked shellfish and shellfish meats). Fish, salted, pickled, or dry-cured. Shellfish, pickled, salted, or dry-cured. Fish, smoked or kippered.	Fodders and feeds, n. e. s.: Hay. Mixed dairy and poultry feeds, with crude protein content of 25% or less. Oyster shells and other shells, for feed. Other prepared and mixed feeds, except dried, powdered, or condensed milk or buttermilk products for feed regardless of protein content; milk sugar feed, regardless of protein content; and other, prepared and mixed feeds with crude protein content above 25%. Corn feeds. Wheat feeds. Feeds, n. e. s., except fish meal, meat meal, bone meal, corn gluten meal, corn grits and corn meal; cracked corn; gluten corn feed; stimuloflow, and tankage.	
008400-008650- 008700-008898- 008895-	Fish, prepared or preserved, n. e. s. (include cakes, balls, paste, sauce, caviar, and roe). Shellfish, prepared or preserved, n. e. s.	Vegetables and preparations, edible: Beans and peas, dry, ripe, including cowpeas, chick-peas, and seed beans and seed peas, except Austrian winter peas. Vegetables, fresh or frozen. Vegetables, dehydrated.	
008998-	Other edible animal products: Eggs, in the shell.	Vegetables, fresh or frozen. Soups, dehydrated. Vegetables, and vegetable juices, canned. Pickles, cucumber.	
009200-	Egg products, dried, frozen or otherwise preserved.	Ketchup, chili sauce, and other tomato table sauces.	
009305-009398- 009900-	Edible animal products, n. e. s.; cheese rennet; rennet extract, dry; rennet liquid, powder and tablets; chicken fat; edible terrapin; frog legs; goose grease; junket; poultry feet; poultry scrap meat; snails; turtle meat; Alg-Alt; fish foods, aquarium; gelatin capsules, empty; ham casings; leathin (animal origin); marrow; whale meat; wild bird dyers.	Mayonnaise and salad dressings. Olives.	
069510-	Leather manufactures: Luggage and related articles of leather.	Sauces and relishes, n. e. s.	
071100-074998-	Fur and manufactures: Furs, undressed, dressed or dyed.	Vinegar.	
075300-	Fur wearing apparel.	Yeast, except liquid.	
075800-	Fur waste, fur pieces, and damaged fur skins.	Vegetable preparations, n. e. s. (report soybean flour, edible, in 125011).	
075900-	Fur manufactures, n. e. s.	Fruits and preparations.	
080000-	Other inedible animals and animal products: Horses, for breeding.	Nuts and preparations.	
090100-	Other horses.	Cocoa beans.	
090200-	Mules, asses, and burros.	Cocoa, powdered.	
090300-	Live animals, n. e. s.	Chocolate.	
092300-	Feathers, crude, not dressed, except down and waterfowl feathers, 3 inches in length and under.	Tea.	
094205-094298- 099920-	Caselin glue and other glue of animal origin.	Coffee, green.	
099998-	Shells, unmanufactured.	Coffee, roasted.	
101300-	Animal products, inedible, n. e. s.: bird skeletons (museum); bird skins (museum); cuttlefish bone; dried lizards; egg albumen; fish eggs, hatching; fish essence; fish oil for glue manufacturers; fish scale essence; fish scales; fish skeletons (museum); fish sounds; halibut viscera; pearl essence; paispearl paste; poultry feet; salmon milt for breeding; squid bait, frozen; tanners' albumen; tanners' egg yolk; trout eggs, hatching.	Coffee, soluble.	
102100-	Grains and preparations:	Table beverage materials, n. e. s. (report cocoa beans in 150100; cocoa powdered, in 150200, and chocolate in 150300).	
103700-	Barley malt.	Capsicum (ground or unground).	
104400-	Corn cereal foods, ready to eat.	Cinnamon (ground or unground).	
107810-	Oatmeal, groats, and rolled oats, in packages, cases, or cartons.	Cassia (ground and unground).	
107900-	Bakery products.	Cloves, unground.	
108000-	Wheat cereal foods, ready to eat.	Nutmegs, unground.	
108100-	Prepared mixes.	Spices D. e. s. (report dinner, unground, in 154915).	
109500-	Wheat cereal foods, to be cooked.	Vanilla beans (ground or unground).	
	Cereal foods, n. e. s. (report corn cereal foods, ready to eat, in 1003700; oatmeal, groats, and rolled oats in 104300 and 104400; wheat cereal foods in 108000 and 109100; and wheat semolina in 109000).		

## COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued

Department of Commerce Schedule	B No.	Commodity	Department of Commerce Schedule	B No.	Commodity
161905	-----	Sugar and related products; Sugar (include raw sugar); Molasses, not for human consumption.	259998	-----	Nursery and greenhouse stock—Continued
162910	-----	Confectionery:	260110	262850	Nursery and greenhouse stock, n. e. s.; Tobacco and manufactures.
163400	-----	Chocolate candy.	293100	-----	Miscellaneous vegetable products, inedible;
163500	-----	Other candy.	293500	-----	Brooms.
163600	163700	Confections and desserts, n. e. s.	299993	-----	Vegetable ivory or tagua nuts.
163900	-----	Chewing gum.	303110	303400	Cotton cloth (gray) medium and coarse yarn fabrics, all widths, including drills, twills, and warp satens, sheeting and osnaburgs.
164200	164710	Honey; glucose. Liquid and dry (not pharmaceutical dextrose or glucose); syrup for table use, and edible molasses (report pharmaceutical dex- trose or glucose in 815695).	303700	-----	Print cloth yarn fabric constructions, all widths, above 36 x 32 count (re- port tobacco and cheesecloth, 36 x 32 count and lower construction in 303600).
170100	-----	Beverages:	303900	-----	Gray cloth, n. e. s., except airplane cloth (in the piece), balloon fabric, mosquito netting, and typewriter ribbon cloth over 12 inches wide.
170200	178000	Malt extract and malt syrup, except medicated (report malt extract and malt syrup, medicated, in 816000).	304000	304120	Finished cloth, bleached, dyed, printed, stiffened, or otherwise converted, and colored yarn fabrics:
203600	203800	Other beverages.	304210	304300	Drills, twills, and warp satens, not over 40 inches wide, bleached, dyed in the piece, and printed (report drills, twills, and warp satens, not over 40 inches wide, dyed in the piece in 304110).
204000	204200	Rubber (natural, allied gums, and synthetics and manufactures):	304510	-----	Sheeting, over 40 inches wide, bleached, dyed, and printed.
204600	-----	Rubber soles, heels, and top lift sheets.	304610	304710	Carded broadcloth, all widths, bleached, dyed in the piece, and printed.
204900	-----	Water bottles, fountain syringes, and other druggists' sundries.	304800	304920	Print cloth, all widths, bleached, dyed in the piece, and printed.
205800	-----	Rubber toy and balls, except dolls, golf and tennis balls and toy balloons (report golf balls in 943400, rubber dolls in 940000, and toy balloons in 204500).	305110	305220	Napped fabrics: cotton flannels, bleached or colored, and other napped fabrics in the piece.
209400	-----	Rubber erasers, except pencil plugs (report pencil plugs in 209990).	305510	305590	Colored yarn fabrics: denims, suitings, twill-coverts, cottonades, cham- brays, cheviots, shirtings, and colored yarn fabrics, n. e. s.
209510	209520	Combs, finished.	305700	306100	Fine goods and combed cotton fabrics, bleached, dyed, printed, flock- dot, or clipped; voiles, organdies, lawns, and batistes combed; piques combed and combed and carded goods, n. e. s. (report marquettés, combed in 307300).
212510	212550	Rubber mats, matting, flooring, and tiling.	306700	307000	Cotton and wool mixtures (cotton chief value, not less than 80 percent cotton by weight).
218000	-----	Rubber thread, bars, uncovered and textile-covered.	307900	-----	Cotton and rayon mixtures (cotton chief value).
218996	-----	Naval stores, gums, and resins:	308000	308950	Other cotton fabrics:
218998	-----	Tall oil (liquid sulfate wood resin), crude and refined.	316000	-----	Knit fabric in the piece (except mosquito netting tricot knitted; net and netting, tricot knitted); table damask, in the piece; tapestry, and other upholstery materials, plain, jacquard, and dobbey-woven; pushes; other pile fabrics, n. e. s., sold by the pound.
220100	-----	Chicle, and chewing-gum bases.	316100	-----	Broad fabrics, n. e. s., except cartridge belt material; hose fabric, except rubberized; hose jackets; and typewriter ribbon, cut, except inked.
220500	-----	Natural gums and resins, refined or modified in condition.	317100	318900	Cotton house furnishings:
220600	-----	Natural gums and resins, crude (gums and resins, imported crude and reexported in the same condition, included).	313200	-----	Blankets; quilts; comforters; quilted bed pads; bedspreads; bed sheets; pillow cases; curtains and draperies (except lace); terrycloth towels, wash cloths, and bath mats; huck, damask, and plain-woven towels and toweling; and cotton house furnishings, n. e. s.
220911	-----	Drugs, herbs, leaves, and roots, crude:	246700	-----	Fruit trees.
220939	-----	Cascara bark.	246895	-----	Flower seeds.
230988	-----	Ginseng.	246898	-----	Vegetable seeds:
232680	232798	Mandrake root.	247750	-----	Spinach seed.
232901	-----	Hyoscyamus (henbane).	247750	-----	Vegetable seeds, n. e. s. (report carrot seed in 246850; beet seed, except sugar beet seed in 246891; onion seed in 246892; radish seed in 246893; sweet corn seed in 246896),
232908	-----	Rotenone-bearing roots, crude, ground, or powdered.	247750	-----	sugar beet seed in 246892; radish seed in 246893; and sweet corn seed in 246896),
232909	-----	Crude drugs, herbs, leaves, and roots, n. e. s., except belladonna leaves and roots and pyrethrum roots (report cascara bark in 220100, cinchona bark in 220904, hyoscyamus (henbane) in 220911, pyrethrum (insect flowers) in 220919, and rotenone-bearing roots in 220939).	316000	-----	Seeds, except oilseeds, n. e. s. (report grass, and field seeds in 240100- 241990; vegetable seeds in 246898).
232910	-----	Vegetable oils and fats, edible and/or crude;	316100	-----	Nursery and greenhouse stock:
232911	-----	Essential oils, natural (distilled or expressed included).	317100	318900	Bulbs, corms, pips, tubers, rhizomes and roots, except vegetables.
232912	-----	Blended, compounded, or mixed perfume-flavor oils, except synthetic aro- matic compounds.	313200	-----	Fruit trees.
232913	-----	Seeds, except oilseeds;	246700	-----	
232914	-----	Flower seeds.	246895	-----	
232915	-----	Vegetable seeds.	246898	-----	
232916	-----	Spinach seed.	247750	-----	
232917	-----	Vegetable seeds, n. e. s. (report carrot seed in 246850; beet seed, except sugar beet seed in 246891; onion seed in 246892; radish seed in 246893; sweet corn seed in 246896),	247750	-----	
232918	-----	sugar beet seed in 246892; radish seed in 246893; and sweet corn seed in 246896),	247750	-----	
232919	-----	Seeds, except oilseeds, n. e. s. (report grass, and field seeds in 240100- 241990; vegetable seeds in 246898).	247750	-----	
232920	-----	Nursery and greenhouse stock:	247750	-----	
232921	-----	Bulbs, corms, pips, tubers, rhizomes and roots, except vegetables.	247750	-----	
232922	-----	Fruit trees.	247750	-----	

## RULES AND REGULATIONS

Department of Commerce Schedule B No.	Commodity	Commodity
319900.-----	Cotton manufacturers—Continued	Miscellaneous textile products:
	Cotton manufactures, n. e. s.: academic hoods; anti-louse suits; bath mitts, terry cloth; batting for insulating; buckram; adhesive cap peaks; used cotton; carbon brush parts; card bands for carding machines; card strips, colored; carriage covers; chamoisine dusters; cloth tape; gummed; cloth mops; collar stiffeners; copy cloths; cosmetic bags; cummerbunds; display pads, velvetean; dress shields, dust cloths; chemically treated; dusting cloths; ear muffs; ear stoppers, fan drape; gabardine; finger cots, muslin; flags; flannel rolls for silverware; flannel strips, borated; flocks (dyed or undyed); floor mops; fly lining; garment bags; garments, cut but not sewn; Glazetabrik; glove trunks; gloves, cut but not sewn; hair bows; hair nets; hair rolls, hammocks; hand pads; handkerchief cases; hat bands, rayon or other synthetic textiles and cotton (cotton chief value); hat frames, buckram; hat linings; Holland gummed cotton; horse collar pads; knitting bags; laundry padding cotton roving; linings, cut or sewn; loose cotton for insulating; machine padding; mass veils; mop heads; mon yarn, cotton waste; novelty card fabric; old cotton stripped from mattresses; packing; padding; pads; patterns; pennant strings, multi-colored; pensants; plugs; pot holders; puggres; quilt patches; quilting (in the pieces); religious vestments; Roll-A-Tags; scrub cloths; seat covers; auto; shoebags; shoe fabrics, except duck buckram and box-toe board, not collod-treated; shoeace scrap; shopping bags; slumber masks; soakers; cotton flannel; sweat bands; tire reliners; cotton padding; tufts; twine mops; wadding, glazed; washers; webbing; web cotton, for use on fish traps; wickraft; yacht mops; yarn from reworked cotton waste.	Linenoid, felt-base floor coverings, oil cloth for shelf, table, and wall, and window-shade cloth (all types). Corsets, brassieres, girdles, except rubber and rubberized (report rubber or rubberized corsets, etc., in 204300); neckties, mufflers, hats, caps, etc.; and hat braids, strips and sheets, except hat braids, strips and sheets wholly or partly of synthetic textiles. Schedule B No. 394000.
		Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems or parts thereof (all materials).
		Mattresses: cotton, kapok, moss, and hair.
		Garters, arm bands, suspenders, and braces.
		Second-hand clothing for resale.
		Wood, unmanufactured:
		Logs, bolts, and hewn timber:
		Hardwoods:
		Cortinwood and aspen.
		Hardwood burls and stumps.
		Other hardwood logs and hewn timber: bass, beech, birch, gum, maple, oak, persimmon, and poplar (report ash and hickory in 400100, cottonwood and aspen in 400200, dogwood in 400300, walnut in 400400, hardwood stumps and burls in 400600, mahogany in 400905, lignum-vitae in 400907, and teak in 400909).
		Softwoods:
		Douglas fir, except peeler logs.
		Softwood logs, bolts, and hewn timber, n. e. s. (report Port Oxford cedar (including Lawson's cypress) in 401700).
		Railroad cross ties and mine ties, hewn, treated and untreated.
		Telephone, telegraph, trolley, electric light, and other utility-line poles, treated and untreated.
		Unmanufactured wood, n. e. s. (including fuel wood) (report logs, bolts, and hewn timber in 400100-401900; railroad cross ties and mine ties in 402610-402920; pilings in 403100-403200; telephone, telegraph, trolley, electric-light, and other utility-line poles in 403410-403420).
		Sawmill products:
		Softwood lumber (rough-sawed, dressed, or worked, or patterned lumber and also including softwood flooring):
		Western hemlock.
		Spruce except Sitka spruce.
		Other cedar (report Port Oxford cedar in 405720).
		Softwood lumber, n. e. s. (report Douglas fir lumber in 405116-405170; Southern pine lumber in 405216-405270; Ponderosa pine lumber in 405346-405370; white pine lumber in 404556-405470; redwood lumber in 405546-405570; Western hemlock lumber in 405616-405670; spruce lumber in 405716-405719; Port Oxford cedar lumber in 405720; other cedar lumber in 405734-405737; and cypress lumber in 405740).
		Ash, 5 inches and over in least dimension, untreated.
		Hardwood lumber (rough-sawed, dressed, or worked, or patterned, except flooring and dimension):
		Birch, except yellow birch; and maple, except hard maple, and beech.
		Cottonwood and elm, except rock elm, 5 inches or larger in least dimension, treated.
		Gum, red, sap, tupelo, and black.
		Hickory, 5 inches and over in least dimension, untreated.
		Oak, except white oak.
		Teak, 5 inches and over in least dimension, untreated.
		Hardwood lumber, n. e. s.; all hardwood lumber classified under Schedule B No. 409690.
384210-384900.-----	Fabrics, wholly or chiefly of wool: woolcloth and dress goods, mohair cloth and other wool fabrics except felt cloth, filter-press cloth, and roller cloth.	
386300.-----	Carpets and rugs of wool.	
367600-368950.-----	Wool wearing apparel.	
369700.-----	Hair and manufactures:	
	Carpet linings, crash padding, pads, and rug cushions.	
	Silk and manufactures:	
	Broad silks (other than parachute cloth) except radium cloth and stencil cloth (report silk parachute cloth in 372005).	
	Silk wearing apparel.	
	Velvets, plushes, etenilles, ribbons, including velvet ribbons, and tie lining.	
	Synthetic fibers and manufactures:	
	Piece goods wholly or chiefly of synthetic fibers; pile; knit fabric in the piece; upholstery and drapery fabrics wider than 42 inches, woven; woven filament yarn fabrics, n. e. s., except cord-tire and fuel-cell fabrics; woven spun yarn fabrics, n. e. s.; remnants and mill ends less than 10 yards in length; and house furnishings (report cord-tire and fuel-cell fabrics in 3844926 and 3844926).	
384500-384921, 384930-385000.-----	Outerwear, women's and children's.	
	Women's and children's hosiery, nylon.	
	Men's socks.	
	Underwear and sleeping and lounging garments, knit or woven (men's, women's and children's included).	
385201-385320-----	Braids, fringes, and narrow trimmings, except hat braids (report hat braids of synthetic textiles in 394000),	
385430-385450-----		
385470-385480-----		
385600.-----		
385710-385770.-----		
385850.-----		

## COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued

## COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued

Department of Commerce Schedule B No.	Commodity Products—Continued	Department of Commerce Schedule B No.	Commodity Paper, related products, and manufactures—Continued
413100, 413200, 413500-413590- 415613-415627- Wood manufacturers: Box crate, and package shooks: Sawed-lumber shooks, except for fruits and vegetables.	Sawmill products—Continued Hardwood flooring. Small hardwood dimension stock. Railroad cross ties and mine ties, sawed, treated and untreated.	480600-480700- 480900- 481000- 481100- 481200- 481500- 481600-481800- 481900-482100- 482000- 482300-482500- 482700- 482900- 483000- 483100- 483200- 483400-483500- 483600- 483700- 483800- 483900- 484000- 484400- 484600-484700- 484900- 485100-487200- 487400-489400- 489900- 510100, 512700- 517000- 521500- 522000- 523098- 523130- 523150- 480300-480400- 480500- 480600- 480800, 481100- 481800-481900- 482000- 489000- 489100- 489803- 489809- 489998- 490100- 490200- 490300- 490400- 490500- 490600- 490700- 490800- 490900- 490998- 491000- 491100- 491200- 491300- 491400- 491500- 491600- 491700- 491800- 491900- 492000- 492100- 492200- 492300- 492400- 492500- 492620-492800- 492890- 492900-493100- 4934050- 494300- 494500- 494600- 492500- 492630- 4928670- 4928800- 4928900- 4929100, 4929200- 4929480- 4929850- 4929900- 4930200- 4930500- 4930600- 4930800, 4931100- 4931800-4931900- 4932000- 4939000- 494100- 494200- 494300- 494400- 494500- 494600- 494700- 494800- 494900- 495000- 495100- 495200- 495300- 495400- 495500- 495600- 495700- 495800- 495900- 496000- 496100- 496200- 496300- 496400- 496500- 496600- 496700- 496800- 496900- 497000- 497100- 497200- 497300- 497400- 497500- 497600- 497700- 497800- 497900- 498000- 498100- 498200- 498300- 498400- 498500- 498600- 498700- 498800- 498900- 499000- 499100- 499200- 499300- 499400- 499500- 499600- 499700- 499800- 499900- 500000- 500100- 500200- 500300- 500400- 500500- 500600- 500700- 500800- 500900- 501000- 501100- 501200- 501300- 501400- 501500- 501600- 501700- 501800- 501900- 502000- 502100- 502200- 502300- 502400- 502500- 502600- 502700- 502800- 502900- 503000- 503100- 503200- 503300- 503400- 503500- 503600- 503700- 503800- 503900- 504000- 504100- 504200- 504300- 504400- 504500- 504600- 504700- 504800- 504900- 505000- 505100- 505200- 505300- 505400- 505500- 505600- 505700- 505800- 505900- 506000- 506100- 506200- 506300- 506400- 506500- 506600- 506700- 506800- 506900- 507000- 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## COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued

## Commodities Exportable Under General License GRO—Continued

Tuesday, June 7, 1949

Department of  
Commerce  
Schedule  
B No.

Commodity	Commodity
B No.	Commodity
523210-523600.-	Glass and products—Continued
523710-523600.-	Unfilled glass containers.
529100.-	Tumblers, drinking glasses, stemware, and table and kitchen glassware, n. e. s.
529400.-	Chemical glassware, except tubing.
529900.-	Electric light bulb blanks.
530912.-	Glass products, n. e. s. (report chemical glassware except tubing in 529100; glass insulators in 529200; glass tubes in 529300; electric light bulb blanks in 529400; and glass fiber and glass fiber products in 529500). Other clays, except items used in petroleum products for refining (re- port fire clay in 530300; and kaolin in 530607).
532010-532050.-	Pottery table and kitchen articles and utensils for use in cooking, preparing, serving and storing food and drink.
533300.-	Lavatories, sinks and other sanitary articles (report closet bowls and water-closet sets in 532300).
533400.-	Sanitary fittings and fixtures, and parts, n. e. s.
533800.-	Other pottery (report china and porcelain in 532010-532050; sanitary articles in 533200-533400; electrical porcelain in 533500; and chemical and industrial pottery, n. e. s. in 533700).
536900-537600.-	Structural clay products: building and paving brick; earthen floor and wall tiles; hollow building tile, including conduits; sewer pipes and drain tiles and structural clay products, n. e. s. (report refractories in 536100-536890; and structural clay products in 536900-537600).
537800.-	Other nonmetallic minerals (precious included): Grindstones and pulpestones.
540600.-	Natural abrasives, n. e. s.: Diatomaceous earth, infusorial earth, Kiesel-garn, and Tripoli.
540990.-	Asphalt and bitumen, natural (except petroleum asphalt), unmanufactured.
547000.-	Asphalt and bitumen (natural) manufactures, n. e. s. (report asphalt and bitumen, natural, unmanufactured in 547000).
547100.-	Asphalt, crude and crushed, except calcined.
548350.-	Gypsum, plasterboard, wallboard, and tile.
548500.-	Gypsum manufactures, n. e. s.
596098.-	Other nonmetallic mineral products, except precious, except Iceland spar, calc spar, and the crystal calcite (Schedule B No. 596098 includes only those commodities not classified in 546000-596095).
611200-611900.-	Iron and steel manufactures: Cutlery, except machine knives, 611820.
612000.-	Iron and steel table, household, kitchen and hospital utensils, except enameled.
612100.-	Tin and galvanized hollow ware.
612400, 612500.-	Enamelware:
612600.-	Bathtubs, lavatories, sinks, and other plumbing fixtures, iron and steel.
612900.-	Table, household, kitchen, and hospital utensils and hollow or flat ware.
613000.-	Sheet-metal storage cabinets, medicine cabinets, and lockers.
613100-613250.-	Sheet-metal shelving and wall bins.
61350-613500.-	Sheet-metal filing cases, with exposed drawers, not insulated and insulated.
613600, 613700.-	Fire-resistant safes and vault doors, insulated; bank vaults, doors, and interior equipment; and other office and store fixtures, and parts.
613900-614700.-	Metal beds and bedsprings; and other metal furniture, and parts (whether or not upholstered).
614700.-	Cooking and heating stoves, except electric: Coal and wood cooking and room-heating stoves; gas stoves, ranges, and room and water heaters; kerosene cooking stoves, room and water heaters; pressure gasoline stoves; and parts of cooking and heating stoves, except electric.
615000.-	Loud speakers.
615100.-	Starting, lighting, and ignition equipment, except spark plugs.
615200.-	Wiring devices, including sockets, outlets, fuse blocks, lighting switches, and parts, n. e. s.

## FEDERAL REGISTER

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COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued

Department of Commerce Schedule B No.		Commodity
		Commodities—Continued
B No.	Other vehicles and parts—Continued	
709605	Electrical machinery and apparatus—Continued	
709607	Electric interior lighting fixtures, and parts:	
709608	Fluorescent fixtures.	
709609	Parts for fluorescent fixtures.	
709610	All types, and parts, except fluorescent.	
736500	Hand and windmill pumps.	
736800	Self-contained household water systems (with or without tanks).	
755105	Parts for domestic sewing machines.	
774330	Commercial scales, including computing and noncomputing.	
774340	Household scales.	
776400-776700	Cash registers and parts.	
777000-777500	Typewriters, and parts, except automatic.	
777700	Staplers, and staples, for office use.	
777915	Mall-handling machines, and parts.	
777925	Check-handling machines, and parts.	
780100	Agricultural machinery and implements:	
780200	Cream separators, capacity under 2,000 pounds milk per hour.	
780400	Other dairy equipment for farm use, except milk shipping cans.	
780600	Incubators and brooders.	
780700, 780900	Poultry equipment, n. e. s.	
781010	Hand sprayers and dusters.	
781100	Implements of cultivation:	
781200	Plows (including lists), animal-drawn.	
781300	Cultivators, animal-drawn.	
782410	Planters, animal drawn.	
782700	Drills and seeders, animal-drawn only.	
783900	Other cultivating implements (report plows in 781010, 781020; harrows, disk, in 781410; other harrows in 781420; cultivators in 781810, 781820; planters in 782410, 782420; and drills, and seeders in 782700).	
784110	Harvesting machinery:	
784200	Mowers, except lawn mowers, animal-drawn.	
784400	Lawn mowers, hand and power.	
784700	Hayrakes and tedders.	
785910	Grain harvesters and binders, except power-driven.	
786100	Other harvesting implements, except power-driven. (report power sprayers and dusters in 780900; implements of cultivation in 781010-783900; harvesting machinery in 784110-785910, seed separators in 786100-786910; feed cutters, grinders, and crushers in 787000; hay presses in 787130; parts for agricultural machinery in 787190; and tractors, parts and accessories in 787310-788905).	
786910	Seed separators:	
787000	Threshers.	
787110	Corn shellers and other separators.	
787130	Feed cutters, grinders, and crushers.	
787150	Windmills, not including towers for windmills.	
788100	Hay presses, hand only.	
7886910	Agricultural machinery and implements, n. e. s., except coffee hullers; coffee pulpers; farm ditchers, graders, and terracers; (report power sprayers and dusters in 780900; implements of cultivation in 781010-783900; harvesting machinery in 784110-785910, seed separators in 786100-786910; feed cutters, grinders, and crushers in 787000; hay presses in 787130; parts for agricultural machinery in 787190; and tractors, parts and accessories in 787310-788905).	
792600	Automobile, parts, accessories, and service equipment:	
792700	Automobile horns, hand and electric.	
795000	Automobile accessories, n. e. s.	
795300	Bicycle parts and accessories, except tires, tubes, and bearings.	
797500	Wagons and drays.	
799100	Wheelbarrows.	
801000	Coal-tar products:	
802490	Cresote or dead oil.	
802590	Betaoxynaphthalene acid and amino benzoic acid.	
805903	Propyl hydroxybenzoate and diaminidine base.	
805905	Coal-tar dyes, stains, color lakes, and toners:	
806100	Sulfur black.	
806915	Synthetic indigo (all forms).	
806925	Synthetic flavors and perfume materials of coal-tar origin except aromatic chemicals and aromatic compounds.	
811300	Methyl salicylate, technical grade.	
811910-811990	Sodium benzoate, technical grade.	
812000	Medicinal and pharmaceutical preparations:	
812100	White mineral oil, medicinal grade.	
812200	Vitamins and vitasterols.	
812300	Biologics (all forms):	
812390	For animal and veterinary use.	
812400-812790	Serums, antitoxins, and toxoids, for human use.	
812400	Vaccines for human use.	
812400	Glandular products, n. e. s. (report insulin, in 812310; and enzymes, ferment, and cultural media in 812330).	
812400	Druggists' nonproprietary preparations, except: belladonna; bismuth carbonate; bismuth subgallate; bismuth subnitrate; chemicals containing radioactive isotopes; cinchona salts; ergot; ipecac; Jimson weed; quinidine alkaloids, salts and compounds; quinine hydrochloride; quinine sulfate; radium salts and compounds; radon (radium emanations); strontium. (shipper report dosage forms in 812400 for liquids, 812790 for solids).	
812400	Antibiotics, n. e. s., tyrothricin only.	
812400	Antipyretics and analgesics (bulk) (shippers report dosage forms in 812400 for liquids, 812790 for solids):	
812400	Acetylsalicylic acid or aspirin (bulk).	
812400	Antipyretics and analgesics, n. e. s. (bulk).	
813520	Balsmuth tribromophenate.	
813579	Barbituric acids, salts, compounds, and all forms of derivatives (exclusive of ampoules).	
813580	Narcotics (all forms) (bulk):	
813581	Alkaloids of cinchona bark, their salts, derivatives, and preparations, bulk, except quinidine alkaloids and quinidine salts and compounds.	
813583	Alkaloids, their salts, derivatives, and preparations, medicinal, n. e. s. (except ampoules).	
813586	Parenteral solutions, inclusive of ampoules (exclusive of biologics, gauze, dular products, antibiotics, and narcotics).	
813587, 813588	Inorganic medicinal chemicals, n. e. s.; calcium phosphate.	
813589	Organic medicinal chemicals, n. e. s.; bromosalvaleryl urea (promural); chinchona hydrate; choline chloride; hestidine hydrochloride; diiodact concentrated solution; iodophthalein; rivanol; ephynal; prostigmine ampoules; vasodilator; sodium benzoate; U. S. P.; tubocurarine chloride.	
813591	Veterinary medicinals and preparations, except biologics.	
813593	All narcotics are licensed by the Treasury Department.	
813595	Proprietary medicinal preparations for human use.	
814300	Dextrine or British gum.	
814800-814800	Chemical specialties:	
823300	Dextrine or British gum.	

**COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued**

## **RULES AND REGULATIONS**

All narcotics are licensed by the Treasury Department.

Department of Commerce Schedule B No.	Commodity	Commodity B. No.	Commodity B. No.
822850 . . . . .	Chemical specialties—Continued Textile specialty compounds: Aquaten KE conc.; Desaten AMS (sodium silicate of beta naphthal); Desaten MT (meta tolylene diamine); Ignafen O; Solvofen NB conc.; Fenopon CR Cone.	876200 . . . . . 876510, 876590 . . . . . 876550 . . . . . 876890 . . . . . 877000 . . . . .	Soap and toilet preparations—Continued Depilatories and deodorants. Hair preparations. Perfumes, liquid and solid, bulk and packaged. Toilet waters, bulk and packaged. Other toilet preparations.
8228800 . . . . .	Nitro and acetio cellulose in solution (collodion, etc., except lacquers); lacquer chips only.	877000 . . . . .	Photographic and projection goods:
8227200 . . . . .	Vulcanized fiber sheets, strips, rods, and tubes.	900800 . . . . . 902200 . . . . . 902700 . . . . . 912120-912400 . . . . . 914000 . . . . .	Cameras, box type, set focus. Motion-picture screens. Projection lamps. Motion-picture films, exposed or developed—negative or positive. Photoflash and photoflood lamps.
8229000 . . . . .	Metal and stone polishes.	914200 . . . . . 914350 . . . . . 914380 . . . . . 916200 . . . . .	Optical goods: Ophthalmic lenses, except blanks. Sun glasses and goggles, and parts. Ophthalmic spectacles, and parts.
8228300 . . . . .	Floor wax, wood and furniture polishes.	915590 . . . . .	Teeth.
8229550 . . . . .	Flavoring extracts, natural.	915900 . . . . .	Dental supplies, n. e. s. (report dental instruments in 915000; teeth in 915200; precious metals for dentistry, except silver alloys and amalgams in 915300; and dental office equipment in 915550).
8228590 . . . . .	Synthetic flavoring extracts.	917300 . . . . .	Safety equipment, apparatus, and parts except diving apparatus; diving suits, with or without hose; life-saving apparatus; and resuscitation apparatus.
8229950 . . . . .	Licorice extract and mass.	917900 . . . . .	Scientific laboratory equipment, n. e. s. (report laboratory, analytical, and pharmaceutical scales, including balances and weights, in 917500).
8229990 . . . . .	Chemical specialty compounds, n. e. s.: Dry X resin size; carbo wax.	921100-923200 . . . . . 923500, 923600, 924500-924800 . . . . . 929300 . . . . . 928500 . . . . . 929700 . . . . . 930310-938900 . . . . . 940000-941800 . . . . . 942010-945000 . . . . .	Musical instruments, parts, and accessories: Pianos, new, used, or rebuilt; and pipe organs and other organs. Band instruments. Stringed instruments. Musical instruments, parts, and accessories, n. e. s. Miscellaneous office supplies. Toys, athletic and sporting goods: Toys.
8302000 . . . . .	Industrial chemicals:	957000 . . . . .	Athletic and sporting goods.
8303800 . . . . .	Tartaric acid.	957100 . . . . .	Miscellaneous commodities, n. e. s.:
830980 . . . . .	Other organic acids and anhydrides: oxalic acid only.	957900 . . . . .	Clocks, electric, except parts.
8323600 . . . . .	Arsenic trioxide (white arsenic).	958000 . . . . .	Clocks, n. e. s., except electric.
8323990 . . . . .	Synthetic flavors and perfume materials, n. e. s., not of coal-tar origin except aromatic compounds, synthetic and artificial oils; and imitation oils.	958100 . . . . .	1-day alarm clocks.
8331600 . . . . .	Organic chemicals not of coal-tar origin, n. e. s.: undecylc aldehyde, methyl nonyl aldehyde.	958200 . . . . .	Other clocks and parts (parts of electric clocks included).
8333900 . . . . .	Aluminum sulfate.	958300 . . . . .	Watches and watch movements:
834300 . . . . .	Aluminum compounds, n. e. s.: Chlorhydrin (aluminum chlorhydrioxide complex).	958400 . . . . .	Watches without jewels.
8355900 . . . . .	Calcium chloride.	958500 . . . . .	Parts, except jewel bearings and movements.
836220 . . . . .	Potassium compounds, except fertilizers, n. e. s.: potassium thiocyanate; cream of tartar.	958600 . . . . .	Jewelry and other personal ornaments:
8364400 . . . . .	Boric acid and borates, crude and refined.	958700 . . . . .	Of metals other than solid gold or platinum, silver, gold-filled, rolled-gold plate, and base metal (whether or not electroplated):
8365600 . . . . .	Sodium silicate or water glass.	958800 . . . . .	Men's and women's jewelry and other articles.
8366600 . . . . .	Sodium carbonate, calcined or soda ash.	958900 . . . . .	All materials, except metal:
8367700 . . . . .	Causticized soda ash.	959000 . . . . .	Men's and women's jewelry and other articles.
837700 . . . . .	Sodium bicarbonate or baking soda.	959100 . . . . .	
8377900 . . . . .	Sodium biphosphate.	959200 . . . . .	
839500 . . . . .	Sodium compounds, n. e. s.: sodium iron pyrophosphate; sodium salicylate and sodium silicate.	959300 . . . . .	
840100-840500 . . . . .	Nitrous oxide.	959400 . . . . .	
841400 . . . . .	Pigments, paints, and varnishes:	959500 . . . . .	
842800 . . . . .	Mineral-earth pigments, dry.	959600 . . . . .	
843300 . . . . .	Lithopone.	959700 . . . . .	
8433110-843250 . . . . .	Chemical pigments, n. e. s., except all pigments containing lithopone; all chrome pigments; and zinc pigments, radioactivated (report zinc oxide in 841100; lithopone in 841400; lampblack in 841900; carbon black in 842310-842380; red lead in 842400-842450; litharge in 842500; white lead in 842600-842700; titanium dioxide and titanium pigments in 842800).	959800 . . . . . 959900 . . . . . 961000 . . . . .	
843410 . . . . .	Bituminous coatings, liquid and plastic.	959900 . . . . .	
843600 . . . . .	Artists' colors; paste and semipaste paint colors in oil, putty and paste wood fillers, n. e. s.; and water paints.	962100, 962300, 962600 . . . . .	
843800 . . . . .	Ready-mixed paints, stains, and enamels, except paints containing activated material.	962700, 962800, 962900 . . . . .	
844210 . . . . .	Varnishes.	963500 . . . . .	
844500 . . . . .	Printing and lithographic ink.	963500 . . . . .	
873400, 873500 . . . . .	Soap and toilet preparations:	963500 . . . . .	
874000, 874200 . . . . .	Dental creams and other dentifrices.	963500 . . . . .	
875000-875700 . . . . .	Talcum powder, in packages, and face and compact powder.	963500 . . . . .	
875900 . . . . .	Creams, rouges, lipsticks, and other cosmetics.	963500 . . . . .	
	Manicuring preparations.	963500 . . . . .	

## RULES AND REGULATIONS

## COMMODITIES EXPORTABLE UNDER GENERAL LICENSE GRO—Continued

Department of  
Commerce  
Schedule  
B. No.

Commodity
Miscellaneous commodities, n. e. s.—Continued
966501, 968509— Thermoplastic bottles, carafes, jars, jugs, and other thermoplastic containers, and parts.
Composition roofing, except asbestos (100 square feet coverage) (report asbestos roofing in 545960):
969300, 969900— Asphalt roofing, and other roofing, except asbestos.
Buttons, and parts:
971100— Buttons of cellulose compounds, galalith, and other compounds.
971290— Pearl or shell buttons.
971300— Button parts, backs, blanks, or molds (all materials).
979100-979900— Nonelectric lamp and illuminating devices, except incandescent mantles.
980000— Matches.
980700— Fire-fighting equipment, except automotive fire engines. (Automotive fire engines are reported according to gross vehicle weight in motor truck and truck chassis classifications, 790010-790060, if new; and 790600, if used.)
982200— Toothbrushes.
982400— Toilet brushes, except toothbrushes.
982610— Household brushes.
982700— Combs, except wholly of rubber.
982800-982900— Tobacco pipes (all materials), and other smokers' articles except pocket and electric lighters (report pocket lighters of all materials except metal in 962900; pocket lighters of metal except solid gold or platinum in 962600; pocket lighters of gold or platinum in 962000; and electric lighters in 707390). Plates and cuts, electrotype, stereotype, halftone, lithographic or engraved.
983000— Umbrellas and parasols, and parts.
983100, 983150— Candles.
983200— Beads and bead articles.
984005— Snap fasteners.
984008— Zippers (including slide fasteners), and parts.
984098— Notions, cheap novelties, n. e. s. (report zippers in 984015).
984100— Household and commercial refrigerators, except electric: mechanical.
984600— Soda-fountain equipment and bar supplies.
984900— Fishing tackle and equipment suitable only for commercial fishing.
985300— Shoe findings, except leather and rubber (report shoe findings of leather and rubber under appropriate leather classifications (060000-069900) or appropriate rubber classifications (201400-209990) according to type of findings).
987100, 987200— Coin-operated commodity-vending machines and other coin-operated machines except musical.
990000— Household and personal effects.
999990— Record compounds, phonograph.

NOTE: Only the commodities classified under the Schedule B numbers in the left-hand column, and as restricted in the commodity descriptions, may be exported under general license GRO.

§ 371.9 General in-transit license GIT—(a) General provisions. There is hereby established a general license designated GIT authorizing, subject to the other provisions of this section, the exportation from the United States of commodities which originate in and are destined to any foreign country: *Provided*, That such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry made at a United States customhouse.

(b) Special provisions for shipments originating in Canada. The provisions of this general license GIT are not applicable to shipments of commodities originating in Canada and moving in transit through the United States unless the exportation from the United States is in accordance with the Canadian Export Permit or the Canadian Customs Entry B13B as approved by the Export Permit Branch of the Department of Trade and Commerce, Ottawa, Canada. United States collectors of customs may, in any case, require production of copies of either the Canadian Export Permit or the Canadian Customs Entry B13B

or other proof, as provided in § 379.1 (e), sufficient to establish that the shipment is exportable under the provisions of this general license.

(c) Excepted commodity list. The following commodities may not be exported to any destination under this general license:

Commodity	Sched- ule B No.	Sched- ule S No. <sup>1</sup>
Jute <sup>2</sup> ...	320500	330
Jute yarn, cordage and twine <sup>2</sup> ...	321100	335
Bags of jute, new <sup>2</sup> ...	322403	335
Bags of jute, used <sup>2</sup> ...	322408	335
Jute burlaps <sup>2</sup> ...	322905	335
Diamond dust or powder...	540910	555
Diamonds suitable only for industrial use...	599005	555

<sup>1</sup> The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of schedule S, as well as Schedule B.

<sup>2</sup> License applications covering shipments of these jute products moving in transit through the United States to a foreign destination must be accompanied by documentary proof that such shipments are in fact in-transit shipments, and that the shipments have been charged to jute quota of the country of destination and not to that of the United States. Such proof may consist of (1) a photostatic copy of the consular invoice of the country of destination or (2) a copy of the bill of lading from the shipper or any other official document showing the country of destination.

Commodity	Sched- ule B No.	Sched- ule S No. <sup>1</sup>
Beryllium ores and concentrates...	664505	680
Beryllium metals, alloys and scrap (include wire and sheets)...	664905	685
Bismuth metals and alloys...	664910	685
Radium metal, radium content...	664950	685
Gallium metal...	664998	685
Polonium metal...	664998	685
Beryllium metal manufactures and beryllium alloy manufactures, including, but not limited to, castings, tubes, crucibles, disks...	669198	685
X-ray windows containing beryllium...	707555	700
Chemicals containing artificial radioactive isotopes...	813593	810
Electrolytic cells (commonly called fluorine cells)...	775050	745
Radium salts and compounds for medical use (state radium content)...	813593	810
Radon (radium emanations)...	813593	810
Anhydrous hydrofluoric acid...	830980	830
Freons...	839100	830
Fluorine...	839500	830
Genetrons...	839500	830
Actinium-bearing salts and compounds...	839900	830
Beryllium salts and compounds, including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulfate, and beryllium carbonate...	839900	830
Chemicals containing artificial radioactive isotopes...	839900	830
Deuterium and deuterium compounds, including heavy water...	839900	830
Fluorocarbons (completely fluorinated materials)...	839900	830
Gallium salts and compounds...	839900	830
Polonium-bearing salts and compounds...	839900	830
Radium ore concentrates...	839900	830
Radium salts and compounds (state radium content)...	839900	830
Paints containing radium...	843800	840

§ 371.10 Shipments of limited value GLV—(a) Purpose and symbol. There is hereby established a general license designated GLV authorizing the exportation from the United States of shipments within certain specified value limits.

(b) Definitions and interpretations. The following definitions and interpretations are applicable to this section:

(1) "Single shipment" means the shipment of all commodities which move at the same time from one exporter to one importer on the same exporting carrier.

When shipment is being made against a validated license, shipment of the same commodity by the same exporter to the same importer may not be made under general license GLV on the same exporting carrier.

(2) "Net value" means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(3) "One importer" is interpreted as follows: For exportation under the provisions of this section, not more than the amount authorized under this general license may be exported in a single shipment from a designated exporter to a designated consignee or to an intermediate consignee even though such shipment is to be forwarded to one or more ultimate consignees.

(c) General provisions—(1) Positive List. Subject to the special provisions as designated and set forth below in this section, all commodities included on the Positive List of Commodities (§ 399.1) which have a dollar value specified may be exported to Group R destinations, or to Group O destinations where, in a single shipment, the net value of the

commodities classified in a single entry on the Positive List does not exceed the specified dollar value limit in the column headed "GLV Dollar Value Limits".

(2) *Non-Positive List commodities.* Commodities not included on the Positive List of Commodities may be exported to Group O destinations without value limit under the general license set forth in § 371.7. Such commodities may be exported under general license GLV to Group R destinations where, in a single shipment, the net value of all the commodities classified under a single Schedule B number does not exceed \$100.

(3) *Excepted commodities.* Commodities licensed by other government agencies and commodities included on the Positive List of Commodities with the word "none" in the column headed "GLV Dollar Value Limits" may not be exported under this general license.

(4) *Asterisk.* Where an asterisk precedes the dollar value limit for any commodity on the Positive List of Commodities, all forms, conversions, and derivatives of such commodity, even though not covered by the Schedule B number for the entry, are included in the value specified.

(d) *Use of other general licenses not restricted.* The provisions of this section shall not be construed as limiting the use of any other general license specifically authorized.

(e) *Special provisions for meat.* Exports of meat products listed on the Positive List with the processing code MEAT 1 under the provisions of general license GLV are permitted only when the total net value of all such meat products exported in a single shipment, as defined in paragraph (b) of this section, does not exceed \$3.00.

(f) *Special provisions for Mexico—(1) Limitations on shipments.* Exports to Mexico under the provisions of general license GLV are permitted only when such shipments are made in conformity with one of the following two conditions:

(i) The shipment is a "single shipment" as defined in paragraph (b) of this section, provided that such shipment is transported by a common carrier or is a mail shipment; or

(ii) If the shipment is not a mail shipment or is transported otherwise than by a common carrier, not more than one such shipment may be made by or on behalf of the same exporter to or for the account of the same ultimate consignee during the same calendar week.

(2) *Certification required.* Any person making an exportation to Mexico under this general license which is not a mail shipment and which is to be transported otherwise than by common carrier shall enter on his shipper's export declaration covering such shipment an additional certification in the following form:

The undersigned certifies to the Department of Commerce that the merchandise above described is the only shipment of the commodity(ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of general license GLV by the undersigned exporter to

the consignee named herein during the current calendar week.

(Signed)

(3) *Collectors authorized to limit shipments.* Collectors of customs are authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

(4) *Hardship or emergency cases.* In any case where the collector of customs determines that the limitations in subparagraph (1) (ii) of this paragraph would create an undue hardship or that an emergency exists in a particular case, he is authorized to permit more than one such shipment in a calendar week under this general license: *Provided*, That the value of each such shipment does not exceed the value limitation provided for the commodities included in such shipment under this general license.

§ 371.11 *Personal baggage and personal effects BAGGAGE*—(a) *General provisions.* A general license, designated BAGGAGE, is hereby established, subject to the provisions of this section, authorizing exportation of the following classes of commodities:

(1) *Personal baggage.* Boxes, trunks, and other luggage containing items of a personal nature, such as clothing, books, toilet articles, electric razors, electric irons, articles of personal adornment, foodstuffs, soap, medicinals, unexposed photographic film, cameras, firearms and ammunition, souvenirs, etc.

(2) *Personal effects.* (i) Household articles. Furniture, refrigerators, radios, decorations, and other household furnishings.

(ii) Professional instruments and tools of trade. All instruments, tools, and apparatus which are used by the person in his profession or trade.

(iii) Vehicles. Passenger cars, station wagons, trucks and trailers, and motorcycles. *Provided*, That such commodities are exported or taken out of the United States by a person leaving the United States for his individual use or the use of his immediate family: *And provided further*, That no commodities intended for resale or for use by persons other than the exporter or his immediate family may be exported under this general license.

(b) *Definition of "accompanied" and "unaccompanied".* The provisions of this general license are applicable to accompanied and unaccompanied personal baggage, which are defined as follows:

(1) *Accompanied.* All commodities exported under this general license on the same carrier on which the passenger departs.

(2) *Unaccompanied.* All other shipments of commodities under this general license. Unaccompanied shipments under this category shall be clearly marked BAGGAGE.

(c) *Special provisions.* The following provisions with respect to certain commodities are applicable to exportation

of such commodities under this general license:

(1) *Foods and soaps.* The total domestic retail value of all soap, butter, and other edible fats and oils shall not exceed \$5.00. The total domestic retail value of meat and meat products, soap, butter, and other edible fats and oils shall not exceed \$50.

(2) *Firearms and ammunition.* No more than 3 firearms and no more than 500 cartridges, subject to the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by the Department of State, may be exported under this general license.

(3) *Tobacco.* Individuals leaving the United States for the American or British Zones of Germany are authorized to export cigarettes and tobacco products, as part of personal baggage, for their personal use only.

(d) *Customs authority to limit or prohibit shipments.* Customs officials may limit or prohibit the export of any commodity or commodities under this general license whenever the quantity is in excess of the limitations set forth in this section; whenever in their judgment the amount is excessive; or whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

§ 371.12 *Dunnage GLD*—(a) *General provisions.* A general license designated GLD is hereby established authorizing the exportation of dunnage when exported solely for use as dunnage on the immediate voyage of an exporting carrier: *Provided*, That the amount of said dunnage to be exported on any such carrier does not exceed the amount necessary properly to stow or secure the cargo then being carried.

(b) *Definition of dunnage.* When used in this section, "dunnage" shall mean any lumber of a grade No. 3 common or lower, matting, jute or burlap bagging, paper, or other materials customarily used to secure or stow cargo aboard a vessel, when such materials are not carried as cargo and not assessed freight charges. Materials of better quality than defined in this section may be used as dunnage only when it has been established to the satisfaction of the collector of customs that ordinary grades are unobtainable.

(c) *Jute and jute burlap.* Jute and jute burlap may be used as dunnage only when it has been established to the satisfaction of the collector of customs that minimum quantities have been employed and maximum use has been made of available substitutes.

§ 371.13 *Ship and plane stores, supplies, and equipment*—(a) *Ship stores, supplies, and equipment.* A general license is hereby established authorizing exportation on freight and passenger vessels of registry of any country departing from the United States, of the following commodities:

Bunker fuel.

Deck, engine and steward department stores, provisions and supplies for both port and voyage requirements.

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Medicinal and surgical supplies.

Food stores.

Equipment and spare parts for permanent use on a vessel when necessary for proper operation of such vessel and subject to approval of the collector of customs.

*Provided*, That such commodities are for use or consumption on board during the outgoing and any immediate return voyage, and are scheduled in such quantities as the collector of customs deems necessary and reasonable.

(b) *Maritime Commission vessels*. Vessels which are owned by or under charter to the United States Maritime Commission may export bunker fuel, ship stores, and food stores under this general license in such quantities as are approved by an authorized representative of the United States Maritime Commission.

(c) *Plane stores, supplies, and equipment*. A general license designated PLANE STORES is hereby established authorizing the exportation in planes departing from the United States of fuel, ordinary plane stores, and supplies for use or consumption during the outgoing trip of such planes and any immediate return trip scheduled, and of equipment and spare parts when necessary for the proper operation of such planes.

§ 371.14 *Containers G-MDC*. A general license designated G-MDC is hereby established authorizing the exportation to any destination of all types of containers, such as metal drums, gas cylinders, bags, crates, and boxes, when filled with any commodity the exportation of which is authorized under general license or under any type of export license document issued by the Department of Commerce or the Department of State.

INTERPRETATION No. 1, § 371.14

The following interpretation is hereby issued under § 371.14, Containers G-MDC, concerning jute burlaps:

In view of the difficulties that have arisen in determining whether jute burlaps used as containers or coverings for other merchandise require validated licenses for export, the following interpretation is issued in clarification of the matter:

(a) Jute burlaps, classified under Schedule B No. 322905, require validated licenses when exported as commodities.

(b) Standard containers of jute or burlap used for packaging other products are properly classified as "containers, filled," rather than as jute or burlap. Accordingly, they are not classified under Schedule B No. 322905, and they do not require validated licenses but may be exported under this general license.

(c) However, in view of the critical supply of jute and burlap, collectors of customs have been authorized to clear shipments of merchandise packaged in new jute or burlap only where the cover is a preformed container of customary use in the exportation of the merchandise presented for shipment. Other new jute or burlap wrappings require a validated license for export. Nevertheless, used jute or burlap wrappings, if clearly unsuitable for the manufacture of bags, may be shipped as a cover for other materials under this general license.

§ 371.15 *General License GUS*. A general license designated GUS is hereby established authorizing exportations as follows:

(a) *To members of the United States Armed Services*. Commodities in quantities sufficient solely for the personal use

of the consignees and their immediate families; articles for personal use may include household effects, food, beverages, and daily necessities.

(b) *To representatives of the United States*—(1) *For personal use*. Exportations for the personal use of the consignee, and/or his immediate family and/or employees; articles for personal use may include household effects, food, beverages, and daily necessities.

(2) *For office use*. Exportation of equipment and supplies for the office use of the representative or for use by the representative or his employees in the performance of their official duties. Under this general license the following classes of commodities are included: Stationery supplies, typewriters, adding machines, office furniture, and other comparable office equipment; cleaning supplies, mechanical and electrical supplies and other building maintenance supplies; uniforms, motor cars and trucks, and automobile parts; flags, food-stuffs, books, professional and scientific instruments, apparatus and supplies; medicinals, medical supplies and vaccines; photographic equipment, including unexposed film, plates, and paper.

§ 371.16 *Exportations by citizens of foreign countries serving in the United States Armed Forces GAF*—(a) *General provisions*. A general license designated GAF is hereby established authorizing the exportation of household articles, personal effects, professional instruments, and passenger automobiles by any person serving in the armed forces of the United States who is not a citizen of the United States: *Provided*, That

(1) The exportation is made to a country wherein the exporter or his next of kin maintain a residence.

(2) A certificate in the form prescribed in subparagraph (3) of this paragraph signed by the exporter and countersigned by his commanding officer shall be filed with the collector of customs at the port of exit or with the postmaster at the place of mailing when the exportation is made by mail, and

(3) The exportation is not made for purposes of resale.

CERTIFICATE

I hereby certify that I am a member of the armed forces of the United States; that I am not a citizen of the United States; that the articles listed below are my property; that such property is being exported to a country wherein I or my next of kin maintain a residence; and that such property is not being exported for the purpose of resale.

(List of articles)

(Signature and serial number)

(Commanding Officer, Rank  
and Unit)

(b) *Definitions*. When used in this section:

(1) "Household articles" shall include furniture, refrigerators, radios, decorations, and other household furnishings.

(2) "Personal effects" shall include clothing, books, toilet articles, souvenirs, articles of personal adornment, personal firearms, hunting guns (personal firearms and hunting guns are limited to three), cameras, and similar articles.

(3) "Professional instruments" shall include tools of trade required by a person in his occupation, profession, or employment.

§ 371.17 *General license GLC*. A general license, designated GLC, is hereby established authorizing the exportation of trucks, buses, trailers, railroad rolling stock, and other commercial vehicles when operated by private or common carriers between the United States and other countries: *Provided*, That such vehicles, except those imported into the United States from a foreign country, shall not be exported for the purpose of resale.

§ 371.18 *Export of certain vessels VMC*. A general license designated VMC is hereby established authorizing the exportation of any vessel to a destination in Country Group R or Country Group O when transfer of the vessel to a person not a citizen of the United States or the placing of the vessel under foreign registry or flag has been duly authorized by the United States Maritime Commission.

§ 371.19 *Commodities sold at auction by Bureau of Customs GCC*. A general license designated GCC is hereby established authorizing the exportation to all destinations of commodities which are refused entry into the United States and are sold at auction by the Bureau of Customs for export only: *Provided*, That a certified customs bill and/or receipt (Form 5117A) is presented to the collector of customs at the port of exit or the postmaster at the place of mailing as evidence of the purchase at such auction.

§ 371.20 *Return of certain commodities imported into the United States GLR*. A general license designated GLR is hereby established authorizing exportations as follows:

(a) *Machinery, or parts of machinery*. Machinery, or parts of machinery, shipped to the United States for repair purposes may be returned to the country of origin, as well as replacement parts which are added and rebuilt parts which are substituted when the identical parts imported are not returned.

(b) *Commodities from Republic of Panama*. All articles and materials which have been imported into the Panama Canal Zone from the Republic of Panama for the purpose of being repaired or processed may be returned to the Republic of Panama.

(c) *Containers returned empty*. Metal drums, gas cylinders, bags and other containers used in shipping articles and materials to the United States from any destination may be returned empty.

(d) *Newspaper cores*. Newsprint cores made of any kind of material, whether imported into the United States separately or as a part of the packing of imported newsprint paper, may be returned to any destination from which imported.

(e) *Commodities entitled to drawback of customs duties*. Commodities on which customs duties were paid upon importation into the United States and which upon exportation in accordance with the provisions of subsection (c), section 313 of the Tariff Act of 1930, as

amended,<sup>1</sup> entitle the exporter to the drawback of customs duties paid, may be exported to the country from which imported: *Provided*, Such commodities do not conform to sample or specifications and are in the same condition in which imported.

**§ 371.21 General license for gift parcels**—(a) **General license.** There is hereby established a general license authorizing the exportation of gift parcels as defined in paragraph (b) of this section, via mail, express or freight, addressed to individuals (other than prisoners of war) in all foreign destinations: *Provided*, That such exportations are made in accordance with the following provisions of this section.

(b) **Definition.** For the purpose of this general license a gift parcel is defined as a parcel containing commodities to be sent free of cost to the person ultimately receiving them and must be for the personal use of the addressee or his immediate family.

(c) **Commodity, weight, other limitations**—(1) **Parcel post.** Gift parcels mailed by parcel post shall conform to the applicable Post Office regulations as to size, weight, and permissible contents.

(2) **Weight limitations.** The weight of each gift parcel sent under this general license shall not exceed forty-four (44) pounds.

(3) **Commodity limitations.** The commodities which may be included in each gift parcel sent under this general license are limited to those items which are normally sent as gifts, such as food, clothing,<sup>2</sup> medicinals, and drugs, and are restricted as follows:

(i) Not more than 3 pounds combined total net weight of beef and beef products, veal and veal products, lamb and lamb products, and mutton and mutton products;

(ii) Not more than \$5.00 combined total domestic retail value of all medicinals and drugs.

(4) **Other limitations.** Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

**NOTE:** A donor is not restricted as to the number of donees to whom he may send gift parcels in a single shipment.

(d) **General license designation.** All gift parcels presented for shipment under this general license must be individually addressed, and the words "gift parcel" shall be written on the addressee side of the package and also entered on any required customs declaration.

(e) **Special provisions for shipments of multiple gift parcels.** Shippers of multiple gift parcels under the provisions

<sup>1</sup> 46 Stat. 694, 19 U. S. C. 1313 (c). "Upon the exportation of merchandise not conforming to sample or specifications upon which duties have been paid and which have been entered or withdrawn for consumption and, within thirty days after release from customs custody, returned to customs custody for exportation, the full amount of the duties paid upon such merchandise shall be refunded as drawback, less one per centum of such duties."

<sup>2</sup> Clothing, in bales or otherwise, when shipped for relief or charity may be exported under the provisions of general license GRO (§ 371.8) without limitation as to quantity or value.

of this general license must prepare the shipper's export declaration in quadruplicate. The fourth copy must be signed and sworn to before a notary public, or other person authorized to administer oaths, and must be accompanied by either (1) copies of orders (or receipts issued to donors) covering the packages included in the shipment or (2) an alphabetized list of donors and donees, in accordance with the following provisions:

(1) *If copies of orders are furnished.* (i) Each order must contain the names and complete residence addresses of the donor and donee, date of order, and commodities ordered, including quantity and price. The orders must be alphabetically arranged according to donor's surname and securely fastened together. The donors named must be residents of the United States.

(ii) The following statement must be typed across the last lines of columns (9) through (15) of the shipper's export declaration:

This declaration consists of this form and \_\_\_\_\_ copies of donor orders to be shipped under this declaration.

(2) *If a donor-donee list is appended.* (i) The list must contain the names and complete residence addresses of the donors and donees, alphabetically arranged according to the donors' surnames, and must also show the date on which the donor placed the order for the gift parcel. All donors named therein must be residents of the United States.

(ii) The following statement must be typed across the last line of columns (9) through (15) of the shipper's export declaration:

This declaration consists of this form and the attached \_\_\_\_\_ page list of donors and donees whose orders are to be shipped under this declaration.

(iii) Shippers submitting list of donors and donees must have on file and keep for a period of 3 years from the date of shipment copies of the orders or receipts from each donor named in the donor-donee list covering each parcel included in the shipment. These records must be made available for inspection by representatives of the Office of International Trade upon request.

(3) **Schedule B numbers.** Shippers must show on the shipper's export declaration the specific Schedule B number established for the commodities and the total amount of each item to be shipped.

**NOTE:** Do not use the Schedule B numbers established for reporting shipments for relief or charity, Schedule B Nos. 999810-999830.

(4) **Export declaration.** When shipments are cleared for export, the fourth copy of the shipper's export declaration, accompanied by either the appended compilation of orders as in subparagraph (1), or the donor-donee list as in subparagraph (2), must be presented to the collector of customs, who will forward it to the Office of International Trade.

(5) **Forwarding agents.** Shippers of multiple gift parcels under the provisions of this general license from individual donors may make the exportation directly or through a forwarding agent. Where the shipper-seller of multiple gift

parcels employs a forwarding agent to effect exportation, such forwarding agent must be duly designated by the shipper. In no event, however, shall a power of attorney or letter of authorization be required from the individual donor.

**§ 371.22 Exportation of relief shipments RLS**—(a) **General provisions.** A general license designated RLS is hereby established for relief agencies registered with the Advisory Committee on Voluntary Foreign Aid authorizing the exportation of the commodities set forth in paragraph (b) of this section for relief or charity to all destinations: *Provided*, That such an agency has been recommended by the Advisory Committee on Voluntary Foreign Aid to the Department of Commerce as qualified to carry out a program of relief or charity to the particular country to which the exportation is to be made and is qualified to receive and assume full responsibility for such commodities and to assure non-commercial distribution of such commodities free of cost to the person or persons ultimately receiving them: *And provided further*, That shipments may be made only to approved consignees; and that in the case of exportations to Germany under this general license, the shipments are consigned to the International Refugee Organization or to a consignee in care of such organization in Germany.

(b) **Commodities exportable.** The following specified commodities and all commodities which may be exported under the general license set forth in § 371.7 may be exported under the provisions of this general license:

Schedule B No.	Commodity
999810	Food,
	Except:
999810	Meat Products on the Positive List (processing code MEAT 1, Schedule B Nos. 002000-004500).
999820	Clothing (new and used).
999830	Blankets and bedding.
999840	Drugs and biological supplies,
	Except:
	Medicinal and pharmaceutical preparations remaining on the Positive List.
999850	New and used surgical, sanitary, and hospital supplies and equipment.
	Except:
999850	X-ray tubes and apparatus.
999850	Electrotherapeutic apparatus.
999850	Microscopes.
999850	Precious metals for dentistry.
999850	Dental operating equipment.
999850	Electrocardiographs.
999850	Cystoscopes.
999850	Scientific instruments.
999890	Textiles, wool and cotton.
999890	Yarns, knitting and darning wool.
999890	Thread, sewing.
999890	Pins and needles.
999890	Sewing machines, domestic.
999890	Shoe repair equipment for manual operation.
999890	Animal oils and fats, inedible.
999890	Vegetable oils and fats, inedible.
999890	Seeds, except oilseeds.
999890	Soap.

(c) **General license symbol.** The general license symbol RLS shall be plainly written on the outside of the

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package or container and on the shipper's export declaration.

**Note:** (1) *Schedule B numbers.* All exports for relief or charity must be reported on the export declaration under the Schedule B numbers established for reporting shipments for relief or charity by individuals and private agencies, Schedule B Nos. 999810-999890.

(2) *Customs clearance.* Collectors of customs have been furnished with a list of the agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid, together with a list of the specifically designated consignees in the countries for which these agencies have programs recognized by the Committee. Collectors of customs have been instructed to refuse clearance of shipments if the name of the agency or the consignee in the approved country does not conform with such list. As changes are made in the list, it will be revised accordingly.

(3) *Inquiries.* Inquiries concerning the Advisory Committee on Voluntary Foreign Aid, or agencies registered, should be directed to that agency at Room 1044, Washington Building, Fifteenth Street and New York Avenue NW., Washington 25, D. C. Inquiries concerning export licenses should be addressed to the Office of International Trade, Washington 25, D. C.

**§ 371.23 Publications not containing technical data G-PUB**—(a) *General provisions.* A general license designated G-PUB is hereby established authorizing the exportation to all destinations of publications as defined in paragraph (b) of this section.

(b) *Publications covered.* When used in this section, the term "publications" shall mean all those commodities classified under the following Department of Commerce Schedule B numbers which do not contain technical data as defined in § 371.24 (a).

*Schedule*

B No.	Commodity
951000	Bound educational textbooks.
951000	Bibles and testaments.
951200	Other bound books.
951400	Unbound books, in sheets.
951600	Catalogs and pamphlets.
952200	Geographic maps and charts.
952300	Music in books and sheets.
955000	Photographs and blueprints, n. e. s., except plans and specifications for the manufacture of aircraft, aviation gasoline, aviation lubricating oil, and tetraethyl lead.
955300	Newspapers, current (report over-issue and old newspapers in 469803).
955500	Periodicals.
956000	Calendars, printed or unprinted.
956300	Lithographically printed matter.
956900	Currency, bank notes, and uncanceled postage and revenue stamps.
956900	Printed matter, n. e. s., except plans and specifications for the manufacture of aircraft, aviation gasoline, aviation lubricating oil, and tetraethyl lead.

(c) *No general license designation required on wrappers.* No general license designation need be placed on the envelope or wrapper of publications exported under this general license.

**§ 371.24 Technical data TD-US and TD-GEN**—(a) *Definition.* Technical data is hereby defined as "any professional, scientific or technical information, including any model, design, photograph, photographic negative, document, or commodity, containing a plan, specification, or descriptive or technical information of any kind which can be

used or adapted for use in connection with any process, synthesis or operation in the production, manufacture, reconstruction, servicing, repair, or use of any commodity.

(b) *Scope of technical data general licenses.* General licenses TD-US and TD-GEN have been established by the Office of International Trade for the exportation of technical data. Provisions regarding the use of these general licenses are set forth in paragraphs (c) and (d) of this section.

(c) *U. S. Government or agency thereof*—(1) *General license TD-US.* A general license is hereby established permitting exportation of all technical data when consigned to any agency or instrumentality of the United States Government: *Provided*, That any technical data exported under this general license shall be for the official use of the United States Government or one of its agencies or instrumentalities.

Included within the provisions of this general license are exportations of technical data for use by a government contractor engaged in construction of military installations when exported by a branch of the United States armed forces or consigned to a supervising military officer.

(2) *Designation on wrapper.* Any person exporting under this general license shall mark conspicuously on the envelope or outside wrapper "General License TD-US."

(d) *Other exportations*—(1) *General license TD-GEN.* A general license is hereby established permitting exportation of technical data to any destination: *Provided*, (1) That no officer or agency of the United States Government has placed any condition or restriction on the dissemination or exportation of such technical data; or (2) That if such a condition or restriction exists, the exporter has obtained permission in writing to export the technical data to the country of ultimate destination from the agency or officer of the United States Government who has placed such condition or restriction thereon.

**Note:** For example: the publication "Bulletin of Instructions Concerning the Release for Export or Domestic Use of Aircraft, Aircraft Equipment and Technical Data Relating Thereto" contains restrictions on exportations of aeronautical data in certain cases, and specific permission must be obtained from the Aeronautical Board, Navy Department, Washington 25, D. C., by the shipper before shipment can be effected.

Any inquiry concerning exportations of technical data under general license should be submitted to the Office of International Trade, Department of Commerce, Washington 25, D. C.

(2) *Designation on wrapper.* Any person exporting under this general license shall mark conspicuously on the envelope or wrapper "General License TD-GEN."

(3) *Reexportations.* No exportation may be made under general license TD-GEN of technical data against which a restriction or condition has been placed with the knowledge or intention that the technical data so exported are to be re-exported from the country of destination to which the permission was granted.

(e) *Prohibited exportations.* Technical data not exportable under the pro-

visions of the general licenses described in paragraphs (c) and (d) may not be exported.

(f) *Patent applications*—(1) *Inventions made in foreign country.* Technical data contained in papers relating to patent applications based on inventions made in a foreign country which are to be exported for informational purposes and not for the purpose of filing in a foreign country may, if otherwise qualified, be exported under general license.

(2) *Inventions made in U. S.* Patent applications based on inventions made in the United States, amendments thereto, or other papers relating thereto, which are to be exported for the purpose of filing in a foreign country or which may become the basis of an application or an amendment to an application already filed in a foreign country, are subject to regulations of the Commissioner of Patents, and, after licensing for filing by the Commissioner of Patents, are exportable under general license.

**§ 371.25 Bottle and container closures GBC.** A general license designated GBC is hereby established authorizing the exportation to all destinations of bottle and container closures when shipped with an equal number of glass bottles or other glass containers with which they are to be used: *Provided*, That the exportation of the bottles or containers has been authorized by the Department of Commerce.

**§ 371.26 Gift parcels to enemy prisoners of war**—(a) *General license.* There is hereby established a general license authorizing, subject to the other provisions of this section, the exportation of gift parcels to prisoners of war in custody of the armed forces of Yugoslavia, Czechoslovakia, and Poland.

(b) *General provisions.* No parcel may be exported under this general license except by means of parcel post. No parcel shall contain commodities in excess of a total value of \$25.00. No parcel shall exceed in weight a total of 11 pounds.

For the purpose of this general license, a gift parcel is defined as a parcel containing commodities donated by a person in the United States to an enemy prisoner of war held in custody by the armed forces of Yugoslavia, Czechoslovakia, or Poland.

(c) *Special provisions*—(1) *Gift parcels to prisoners of war in custody of Yugoslavia.* No gift parcel may be sent under this general license to enemy prisoners of war held by the armed forces of Yugoslavia unless the following information is shown, in writing or otherwise, on the address side of the parcel: the name and address of the prisoner of war, addressed in care of the Yugoslav Red Cross, the name and address of the sender, and the inscription—

Poklon Ratnom Zarobijeniku—Oslobodjeno Postarne

Prisoner of War—Gift Parcel, Postage Free

Not more than one such gift parcel may be sent by the same donor to the same prisoner of war in any calendar week.

Commodities which may be included in a gift parcel are restricted to nonperish-

able foodstuffs, cigarettes, clothing, soaps and shaving preparations, medicinals and vitamins, and similar items of a relief nature. A sheet of paper containing a list of the enclosed commodities must be included in the parcel, but no other written or printed matter of any kind may be included therein.

(2) *Gift parcels to prisoners of war in custody of Czechoslovakia.* Commodities which may be included in gift parcels sent under this general license to enemy prisoners of war held by the armed forces of Czechoslovakia are restricted to nonperishable foodstuffs, cigarettes, clothing, soaps, and shaving preparations, medicinals and vitamins, and similar items of a relief nature. No written or printed matter of any kind shall be included in any parcels.

Not more than one such gift parcel may be sent by the same donor to the same prisoner of war in any one calendar week.

(3) *Gift parcels to prisoners of war in custody of Poland.* No gift parcel may be sent under this general license to enemy prisoners of war held by the armed forces of Poland unless the following information is shown, in writing or otherwise, on the address side of the parcel: the name and address of the prisoner of war, addressed in care of the Polish Red Cross, Warsaw, Poland, and the name and address of the sender.

Commodities which may be included in a gift parcel are restricted to nonperishable foodstuffs, cigarettes, clothing, soaps and shaving preparations, medicinals and vitamins, and similar items of a relief nature. No written or printed matter of any kind shall be included in any parcels.

Not more than one such gift parcel may be sent by the same donor to the same prisoner of war in any one calendar week.

(d) *General license designation.* No gift parcel shall be mailed under this section unless the symbol "Prisoner of War—Gift Parcel" is written on the address side of the parcel and on any required customs declaration.

**§ 371.27 General License G-UNO—**  
(a) *Description.* A general license designated G-UNO is hereby established authorizing, subject to the other provisions of this section, the exportation of office supplies, equipment, material, and other articles necessary to carry on the official business of the United Nations Organization and the International Bank for Reconstruction and Development.

(b) *Consignors and consignees.* Shipments under the provisions of this general license may be made only by officials of the Transportation Service of the United Nations Organization and by officials of the International Bank for Reconstruction and Development. Shipments by the United Nations Organization under this general license must be consigned to the United Nations Organization, its organs, or any of its specialized agencies. Shipments by the World Bank for Reconstruction and Development under this general license must be consigned to its branch offices, field offices, or its officials located abroad.

(c) *Ports of exit.* (1) No exportation may be made by the United Nations Organization under this general license from any port of exit except New York, N. Y., Baltimore, Md., Portland, Oreg., and San Francisco, Calif.

(2) No exportations may be made by the International Bank for Reconstruction and Development under this general license from any port of exit except New York, N. Y., Baltimore, Md., Miami, Fla., New Orleans, La., San Francisco, Calif., and Buffalo, N. Y.

#### PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Sec.	
372.1	Applicability and general provisions.
372.2	Applications for licenses.
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AUTHORITY: §§ 372.1 to 372.17 issued under Pub. Law 11, 81st Cong.; E. O. 9680, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 372.1 *Applicability and general provisions*—(a) *Definition of "validated license".* Wherever reference is made in this part to application for licenses or to licenses granted or issued upon application, the reference is to validated licenses as distinguished from the general licenses established in Part 371. The term "validated license" means an individual or other type of export license or any other document authorizing exportation granted or issued by or under the authority of the Department of Commerce.

(b) *Applicability of provisions.* The provisions of this part (and insofar as consistent with the provisions of this part, all of the other provisions of Parts 370 to 399, inclusive) shall apply to applications for and individual licenses issued by the Department of Commerce. An individual license is a validated license authorizing the exportation of the quantity of those commodities described therein from a designated licensee to a designated consignee.

The provisions of this part shall also apply equally to other types of validated licenses, and applications therefor, insofar as consistent with the provisions of Parts 374 to 399, inclusive, relating to such other types of validated licenses.

(c) *Exportations requiring license.* The commodities included on the Positive List of Commodities (Part 399) may not

be exported to foreign destinations other than Canada (including Newfoundland and Labrador) except pursuant to general, individual, or other type of license granted or issued upon application or established by the Department of Commerce. No exportation of any commodity, whether or not included on the Positive List of Commodities, may be made to any destination in Country Group R, as set forth in § 371.3 (a), unless and until a license therefor has been granted or issued upon application by the Department of Commerce, except where authorized by the provisions of an established general license as set forth in Part 371, and except where authorized by the provisions of a footnote on the Positive List of Commodities, and except as provided in § 370.2 with respect to shipments by the United States armed forces.

(d) *Special provisions for certain commodities.* Special provisions for certain commodities are set forth in Part 373.

(e) *Orders.* No application for an export license shall be made unless and until the applicant has an order for export for the commodities covered by the application.

The term "order" as used herein means an order for export placed with an exporter in the United States by an importer in a foreign country which, if accepted by the exporter, will result in a binding contract between the exporter and the importer. While the terms of the order may be conditioned, such terms must be ascertainable and certain; for example, (1) the terms of payment may provide a price dependent upon the market price at the time of delivery; (2) the time or place of delivery may be dependent upon an event in the future, etc. An "order" is more than a mere business inquiry relating to the possible purchase of merchandise, although it need not be an agreement which can be presently executed.

Furthermore, while orders may be conditioned upon the issuance to the exporter of an export license by the Department of Commerce or the issuance to the importer of an import permit or exchange permit by his government, or such other government document as may be required, such orders for export would still be considered as orders within the meaning of these provisions.

(f) *Amendment of license to conform with orders held.* If at any time a licensee does not hold orders for export received by him prior to the validation date of the license, and calling for an exportation which could be effected under that license, in an amount equal to, or in excess of, the unshipped balance permitted under the license, such licensee shall return the license at once to the Department of Commerce for amendment to the quantity for which he holds such orders.

It is not intended to deny to a licensee because of order cancellations the opportunity to export afforded the licensee by the license which covered the canceled orders. If such exporter possesses new orders against which he wishes to ship quantities equivalent to those canceled, he should submit with any new application (for no more than the canceled

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quantity) an explanation of any special circumstances pertaining to the requested substitution of the new orders.

**§ 372.2 Applications for licenses—(a) Who may apply.** License applications may be made by any person subject to the jurisdiction of the United States, who is in fact the exporter, or by his duly authorized agent.

**NOTE:** Applications may be made by a corporation, a partnership, or an individual who is in fact the exporter. No application of any person not subject to the jurisdiction of the United States will be considered unless such application is made on his behalf by an authorized agent in the United States. Any attempt to export commodities differing in any way from those licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress. The applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license.

### INTERPRETIVE STATEMENT REGARDING APPLICANTS, LICENSEES, AND PARTIES

#### PARTIES IN INTEREST

The policies of export-control require the fullest disclosure by the applicant of all parties in interest in order that decisions on applications may be made with the fullest knowledge of all relevant facts and that the identity and whereabouts of the persons who know most about the transaction may be easily ascertained in the event of inquiry.

#### Applications for Licenses

There must be shown in applications for licenses all parties who are concerned in the proposed exportation, participating on their own account—the licensee as exporter, the purchaser or ultimate consignee as the person in the country of ultimate destination who is to receive the exportation for his own account, and the intermediate consignee as the person who receives the commodities or documents for delivery to the purchaser or ultimate consignee. The true parties in interest as known to the applicant must be disclosed.

It is realized that there may be cases in which more than one person in a transaction may fairly be described as being a principal. However, in such cases, the application should be accompanied by a statement giving the names and addresses of such other persons and their roles in the transaction in question. Where there is any doubt as to which of several persons should be named as the party to the license, the applicant should disclose the names of all and the functions to be performed by each. For this purpose, a separate statement attached to the application will be acceptable.

**(1) Applicant; licensee.** The applicant for a license should be that person who, as the principal party in interest in the transaction of exportation, has the power and responsibility to determine and control the sending of the goods out of the country and is thus in reality the exporter. For this purpose, it is the identity of the applicant, and his role in the transaction, and not the terms of sale, in which the Office of International Trade is primarily concerned. If, in a given transaction, he has the responsibility for effecting exportation, such person is a proper applicant; if, on the other hand, he does not assume such responsibility, he is not a proper applicant.

#### Responsibility of Licensee

Any person obtaining a license thereby assumes responsibility for actually effecting the exportation, for proper use of the license, and for due performance of all of its terms and conditions. Ordinarily, therefore, a seller who delivers commodities in this country to a foreign buyer or to the latter's forwarder

or other agent would not be in a position to assume such responsibility and so would not be a proper applicant.

This would normally be the situation where the sale is made f. o. b. factory, although it is recognized that such terms of sale may relate only to price and are not necessarily inconsistent with the assumption by the seller of full responsibility for effecting the exportation.

If the seller intends to leave the responsibility for effecting exportation in the hands of the foreign importer or the latter's forwarding or purchasing agent in the United States, he should not apply for the license or appear as exporter; but, in such case, the forwarding or purchasing agent should appear as applicant and exporter unless the foreign importer himself is subject to the jurisdiction of the United States at the time of exportation, in which case the latter should apply for the license in his own name. If any forwarding or purchasing agent applies for a license, he must disclose the name of his principal.

#### Legal Liability for Violations

Insofar as legal liability for any violation of the export-control law and regulations is concerned, every person who in any capacity participates in fact in an exportation knowing it to be unauthorized may be held to account, whether or not he appears as the formal applicant for the export license. In any given transaction, for example, whoever, whether acting as principal (seller or buyer) or as agent for the seller or buyer, such as a freight forwarder, purchasing agent for a foreign buyer, broker, or any employee of such persons, knowingly facilitates an unlawful exportation, may be held accountable as though he were the exporter.

**(2) Ultimate consignee.** The person named in item 7 (a) of Form IT 419 shall be the ultimate consignee located abroad who is the true party in interest in receiving the exportation. The address of the person named in item 7 (a) must indicate the same country of destination shown in item 3. In any case where the ultimate consignee and the purchaser are not one and the same, the name and address of the ultimate consignee must be disclosed in item 7 (a) and the purchaser in 9 (c) of Form IT 419, or in a separate statement accompanying it. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as the purchaser or ultimate consignee, but where any such intermediary is employed as the intermediate consignee, this fact should be disclosed.

**(3) Intermediate consignee.** In item 7 (b) of the application, the applicant shall insert the name of the intermediate consignee, which may be a bank, forwarding agent, or other intermediary (if any) who participates in a foreign country as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the ultimate consignee. If at the time the application is submitted, the intermediate consignee is not known, the applicant may state "unknown." However, the name and address of the intermediate consignee must be disclosed on the shipper's export declaration before shipment. If the exporter does not intend to use an intermediary, he may state in the application, "none" or "same." However, where an intermediate consignee is used, his name and address must be disclosed on the shipper's export declaration before shipment. No amendment of the license will be required where a new intermediary is substituted for one already named on a license, or where the license indicates "unknown," "none," or "same."

**(b) Separate applications for each commodity.** A separate and complete application must be submitted for each commodity to each consignee in each

country of destination except as otherwise specifically provided by the other provisions of Parts 370 to 399, inclusive.

**(c) Single application for related commodities.** A single application for an individual license may include a group of related commodities.

Related commodities are commodities which have the same processing code symbol and the same number following such symbol on the Positive List of Commodities (§ 399.1). For example, any of the lead and manufacturers, Schedule B Nos. 650406-651598, all of which have the processing code NONF 3, may be combined on one application form, but not with commodities having a different symbol. Unless the processing code symbol is followed by a number, the commodity is excluded from any related commodity grouping.

A procedure is established whereby groups of related non-Positive List commodities may be authorized for export to a single consignee in a single Group R destination under a single license: Any combination of the non-Positive List commodities included within one of the numbered groups on the list of related commodity groupings set forth in § 399.4, Appendix D, may be included on a single license application. For example, any combination of cotton manufactures within Group 16 on the list may be included on a single application if classified under any of the Schedule B Nos. 301510-319900, inclusive.

**NOTE:** Positive List and non-Positive List commodities may not be included on the same applications.

The following general provisions shall govern applications for export licenses covering related commodities:

**(1)** The applicant must, among other things, state, for each item listed (i) the quantity to be shipped, (ii) a description in sufficient detail to permit accurate identification, including its Schedule B number, and (iii) the total selling price of the item and its price per unit.

**NOTE:** Applications for licenses to export commodities appearing on the Positive List shall show the appropriate processing code for each commodity listed, immediately followed by the letter "L." Applications for licenses to export non-Positive List commodities shall show the appropriate processing code for each commodity listed, immediately followed by the letter "R."

**(2)** The application may be approved in whole or in part. Upon specific request, stated on the application form, the application will be considered as a whole, and either approved or rejected in its entirety.

**(3)** Additional sheets listing related commodities must be attached securely to each copy of the application form.

**(d) Partial or periodic shipments.** Where partial or periodic shipments of an identical commodity are to be made by the applicant to the same consignee in a foreign country, an application may be filed covering the entire quantity of commodities to be so exported.

**(e) Second applications.** A second application covering the same proposed exportation shall not be submitted pending action on the first application.

**NOTE:** When an application is returned without action, a new application should not

be filled out unless the necessary alterations on the old application would be too difficult to make or illegible. In those instances where a new application is submitted, the original case number should be typed or written in ink on each copy of the application in answer to item 4 (b) of Form IT 419. When a new set of forms is filled out, the duplicate copy only of the original set should be attached and submitted with the new set.

When an export license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the later date for the submission of a new application.

**§ 372.3 Unit-process procedure—(a) Description.** A unit-process procedure is established whereby several applications for individual export licenses covering diverse commodities to be used together and to be shipped to the same consignee, purchaser, and ultimate user, may be filed together for the purpose of unit consideration.

**(b) Application requirements.** Under this procedure, applications shall be submitted in accordance with the following provisions:

(1) Each application must be submitted on Form IT 419, in duplicate.

(2) The consignee must be the same on all applications.

(3) The purchaser must be the same on all applications.

(4) The ultimate consumer, distributor-wholesaler, or user must be the same for all applications. (The "user" is the consumer if the licensed material is to be sold to a single buyer; retailer if the commodities are to be sold jointly at retail.)

(5) All the commodities must be intended for use together, the lack of any one rendering the others useless.

(6) The entire group of applications must be firmly stapled together in a single binder clearly marked "Unit process."

(7) Each such group of applications must be accompanied by an acknowledgment card, Form IT 116.

**(c) Issuance of license.** When a unit-process application is approved, each individual export license application in such group will be validated. If any one of the individual applications in the group cannot be approved, the entire unit-process application will be rejected.

**§ 372.4 Documents accompanying applications for validated licenses'—(a) Copies may be submitted.** Documents submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action. Accordingly, applicants need not submit original documents which they may subsequently require, but in lieu thereof photostatic or other copy of an original document may be submitted, provided the applicant certifies, either on the face of the copy or in an attachment thereto (incorporating such copy by appropriate reference), as follows:

Certified to be a true copy of the original.

(Official title, if any)

Date \_\_\_\_\_

<sup>1</sup> See also interpretation following § 873.1 (b).

**(b) Originals must be available.** The Department of Commerce may demand the originals of any copies of documents submitted in support of applications. Such originals must be kept available for inspection, upon the Department's request, for 3 years from the date of receipt of the license application by the Department of Commerce.

**(c) Documents submitted with applications.** Documents which are submitted with an application and which will ultimately become a part of the license, such as proposed lists of consignees, or a listing of donors and donees, must be submitted in duplicate with a copy affixed to each copy of the application. Such documents will become a part of the license, if issued, and must remain affixed thereto. Other documents submitted in support of an application which will not become a part of the license, such as evidence of accepted orders or evidence of availability of the commodity, need be submitted in one copy only and should be attached to the duplicate copy of the application.

**(d) Coded terms, foreign languages.** In the case of originals and certified copies of documents all abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation.

**§ 372.5 Weight and volume tolerance—(a) 10 percent tolerance; excepted commodities.** For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below in this section.

Commodities	Tolerance
Pharmaceuticals and finished drugs	1 percent.
Radium and radium salts	Nearest 100 milligrams.

**(b) Unit of quantity covered.** This tolerance is allowed only when the unit of quantity called for on the license application is in terms of weight or volume and shall not be allowed where the quantity called for is in terms of other units, except as provided in paragraph (f) of this section.

**(c) Maximum tolerance allowed.** In all cases, the tolerance shall be allowed on the basis of the actual quantity stated in the license; and in no case shall the tolerance exceed 10 percent of such quantity.

For example: (1) If the quantity shown on the license is "100,000 pounds," not more than 110,000 pounds may be exported.

(2) If the quantity shown on the license is "100,000 pounds 10 percent more or less," not more than 110,000 pounds may be exported.

(3) If the quantity shown on the license is "approximately 100,000 pounds," not more than 110,000 pounds may be exported.

**(d) Commodities licensed in both container and weight or volume units.**

Where commodities are licensed in terms of both standard-size container units and weight or volume units, the tolerance is allowed on the total weight or volume licensed: *Provided*, That the number of standard-size container units shall not be increased over the number thereof stated in the license.

For example: If the license authorized the shipment of 10,000 pounds of a commodity in twenty 500-pound drums, that license may be used to clear an exportation of not more than 11,000 pounds in not more than twenty such drums.

**(e) Partial shipments.** Whenever one or more partial shipments of the licensed commodity have been made, the license remains valid only for the unshipped balance of the licensed commodity plus 10 percent of such balance, except that in the case of shipments of iron and steel products (processing code STEE) the tolerance of 10 percent shall be applicable as provided in paragraph (c) of this section, regardless of whether partial shipments are made.

**(f) Units other than weight or volume.** Where the amount or quantity on a license is required to be shown in number of units other than weight or volume a tolerance is allowed only as follows:

Jute bags, Schedule B Nos. 322403,  
322408 \_\_\_\_\_ 2 percent

**§ 372.6 Port of exit'—(a) Shipments leaving United States before final exportation from United States port.** Commodities which leave the United States, at one port, cross adjacent foreign territory, and reenter the United States at another port before final exportation to a foreign country, will be treated as an export at the last port of exit from the United States.

**(b) Licenses valid for shipment from any port.** A license may be used for exportation from any port of exit from the United States subject to the jurisdiction of the United States unless the Department of Commerce shall otherwise provide.

**(c) Simultaneous shipments from different ports.** Simultaneous shipments from different ports of exit may be cleared for export under a single license by the collector of customs having possession of the license, through arrangements with the collector of customs at the other port or ports of exit, as provided by the Department of Commerce.

**§ 372.7 How to file an application for export license—(a) Form and manner.** Application for a license shall be made on the form or forms and in the manner prescribed by the Department of Commerce. All terms, conditions, provisions, and instructions, including the applicant's certificate, contained in such form or forms are hereby incorporated as a part of the regulations in Parts 370 to 399, inclusive. The return post card furnished with each application must be filled in and submitted to the Department of Commerce with the application.

**(b) Applications submitted through agents.** No license application submitted through an agent will be accepted for consideration if the name and address

<sup>1</sup> The manner of effecting export clearance from ports of exit is set forth in § 379.1.

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shown under item 1 of Form IT 419 have been altered from the initially prepared form, unless the application is accompanied by a statement from the applicant that the change has been made with his knowledge and approval.

(c) *Disclosure of intermediate consignee.* If at the time the application is submitted, the intermediate consignee is not known, the applicant may state "unknown." However, the name and address of the intermediate consignee must be disclosed on the shipper's export declaration before shipment. If the exporter does not intend to use an intermediary, he may state in the application, "none" or "same." However, where an intermediate consignee is used, his name and address must be disclosed on the shipper's export declaration before shipment. No amendment of the license will be required where a new intermediary is substituted for one already named on a license, or where the license indicates "unknown," "none," or "same."

**NOTE:** (1) *Application forms.* (a) Applications for validated licenses must be submitted on Form IT 419.

(b) Applications for all types of validated licenses must be accompanied by an acknowledgment card, Form IT 116.

(c) Exporters may print facsimile forms with printed answers to many of the questions if the facsimiles are identical with the official OIT form in size, ink color, and typographic arrangement.

(2) *Preparation, assembly, and submission of applications.* (a) Applications should be typewritten, with the exception of the signature, but will be considered if written legibly in ink. The application must bear the signature of the applicant, or an officer or duly authorized agent of the applicant.

(b) The processing of applications will be expedited if exporters will submit them in accordance with the following arrangement. (First item on top, second item second from top, etc.)

(i) Duplicate (signed).

(ii) All pertinent correspondence and documents.

(iii) Original (face up and not turned backwards).

(c) All papers should be firmly stapled together in upper left-hand corner.

(d) In each case the acknowledgement card should be placed on top of the papers at the upper left-hand corner and fastened with a clip. The card should not be folded, and the typed face of the return card should be uppermost.

(e) The applications shall be submitted, preferably by mail, to the Office of International Trade, Department of Commerce, Washington 25, D. C.

(3) *Preparation of individual license application.* (a) Applicants for individual export licenses should in all cases submit two copies (original and duplicate) of Form IT 419. It is suggested that an additional copy be prepared and retained by the applicant for his own reference. For this purpose the triplicate copy of the form may be used.

(b) The postal delivery zone number should be included in the address to which the approved document is to be sent (item 1). Applicants using a rubber stamp to enter the return address should make certain that the stamp fits within the space provided. The requirement that the postal delivery zone number be shown for the address to which the license should be sent applies equally to correspondence or other forms to which the Office of International Trade should reply.

(c) Item 4 (b) should be answered only if an application has been submitted previ-

ously covering the same lot of material. For example, if an application has been rejected and an appeal to export the material is made, the new original should carry the case number of the rejected application in answer to item 4 (b).

(d) Answers to item 11 of Form IT 419 need not appear on the original copy but must appear on the duplicate copy.

(e) Answers to items 5, 12, and 13 are no longer required.

(f) Unsigned applications or applications which omit the required essential information will be returned without action.

(g) A separate and complete application must be submitted for each commodity to each consignee in each country of destination, except as provided in § 372.2 (c).

(h) Where partial or periodic shipments of a commodity or related group of commodities are being made by the applicant to a single consignee in a foreign country, an application may be filed covering the entire quantity of goods to be so exported, and partial shipments may be made from time to time during the life of the license.

(i) Applicants should enter on their application forms such pertinent reference numbers as will aid in referring to accompanying documents.

(4) *Named parties.* (a) In filling out Form IT 419, the applicant shall answer item 6 (a) with the name of the corporation, partnership, or individual who is in fact the exporter, even though the application is made by an agent in behalf of the exporter. The same name must appear as the applicant in the certification on the reverse side of the duplicate copy. An agent who is authorized to file the application will sign his name on the reverse side of the duplicate beneath the name of the applicant (exporter) on the line reading: "By \_\_\_\_\_"

(Signature and title of person authorized to execute this application)

(b) When the corporation, partnership, or individual who is in fact the exporter, is not subject to the jurisdiction of the United States, the name of such corporation, partnership, or individual shall be given in answer to item 8. The agent authorized to file the application then becomes the applicant, enters his name in answer to item 6 (a), and signs the duplicate copy in the space on the reverse reading "Applicant \_\_\_\_\_". When the license is issued the applicant named becomes the licensee and will be held strictly accountable for the use of the license by the Office of International Trade.

(c) Disclosure of all the true parties in interest, as known to the applicant is required, as provided in the Interpretive Statement following § 372.2 (a). Specific attention is called to the following provisions:

(d) The person named in item 7 (a) of Form IT 419 shall be the ultimate consignee located abroad who is the true party in interest in receiving the exportation. The address of the person named in item 7 (a) must indicate the same country of destination shown in item 3. In any case where the ultimate consignee and the purchaser are not one and the same, the name and address of the ultimate consignee must be disclosed in item 7 (a) and the purchaser in 9 (c) of Form IT 419, or in a separate statement accompanying it. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as the purchaser or ultimate consignee, but where any such intermediary is employed as the intermediate consignee, this fact should be disclosed.

(e) In item 7 (b) of the application, the applicant shall insert the name of the intermediate consignee, which may be a bank, forwarding agent, or other intermediary (if any) who participates in a foreign country as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the ul-

timate consignee. If at the time the application is submitted, the intermediate consignee is not known, the applicant may state "unknown." However, the name and address of the intermediate consignee must be disclosed on the shipper's export declaration before shipment. If the exporter does not intend to use an intermediary, he may state in the application, "none," or "same." However, where an intermediate consignee is used, his name and address must be disclosed on the shipper's export declaration before shipment. No amendment of the license will be required where a new intermediary is substituted for one already named on a license, or where the license indicates "unknown," "none," or "same."

(f) Exports under a validated export license may be made only for the account of the licensee. Except when the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States (see paragraph (b) above), exports made under any type of export license for an account other than that of the licensee are illegal.

(5) *Commodity descriptions.* (a) In answer to item 9 (b), "Quantity to be shipped," the applicant must set forth the quantity of material to be shipped, using the unit specified for the article or commodity in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States<sup>1</sup> unless otherwise specified in the Comprehensive Export Schedule) and also in trade units, where different. Variations in the net quantity of the commodity as specified are permitted only within the tolerance limits described in § 372.5.

(b) On and after February 1, 1949, applicants must use the new Schedule B numbers set forth in the January 1, 1949, edition of Schedule B, as amended. License applications submitted after February 1, 1949, containing obsolete Schedule B numbers will be returned to the applicant without action. Validated licenses issued prior to February 1, 1949, showing obsolete Schedule B numbers need not be submitted to the Office of International Trade for amendment of the Schedule B numbers; but in effecting export clearance, licensee must indicate on his shipper's export declaration (Commerce Form 7525-V, revised November 1948) the obsolete Schedule B numbers in column 10, "Description of Merchandise," and the new Schedule B numbers in column 13, "Schedule B Commodity Number."

(c) The description of commodities must be complete enough to enable a commodity expert to identify the items accurately. More than a general or vague description is necessary. Trade names, catalog numbers, or otherwise characteristic trade identifications should be used where they will aid such description.

(6) *Prices.* (a) In answer to item 9 (d), "Total Selling Price," unless otherwise specified the applicant should show price in his customary form of quotation, such as f. o. b. (factory), f. a. s. (named port), or other form used in the past.

(b) The unit value also should be shown in every case except where a large variety of products within a single Schedule B classification makes such a breakdown impracticable. In such cases, only the total price need be shown, but applicant must be prepared to submit a detailed statement upon request.

(7) *Specific information regarding end use.* (a) The end use of a proposed exportation (item 10) is a most important consideration in determination by the Department of Commerce of justification for the issuance of an

<sup>1</sup> Department of Commerce publication, available from the Superintendent of Documents, Washington 25, D. C., at \$2.50 for Part I, Alphabetic Index, and \$1.50 for Part II, Numbered Classifications.

export license. For that reason, it is essential that, unless otherwise stated in a special licensing procedure, applicants supply full and explicit information concerning such intended end use and the urgency which attaches to that use of the proposed shipment. Applicants should also state whether the commodities covered by the application are for the purchaser's own use or for resale.

(b) General statements to the effect that the commodity requested is essential to the economy of the importing country are not adequate. Applicants should identify the particular industry, mine, or shipyard where the commodity will be used or consumed, with as much information as possible regarding the type of work that will be done with the commodity and its ultimate place in the internal economy of the country of destination.

(8) *In-transit shipments.* Exporters of commodities moving in transit through the United States for which individual export licenses are required must comply with § 372.13.

(9) *Inquiries and correspondence.* (a) Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of three weeks after receipt of returned acknowledgment card, Form IT 116, before inquiring as to progress of an application. Certain types of applications require more time for necessary examination and consideration.

(b) Requests for information concerning the application of regulations to specific fact situations, the status of delayed cases, or any other inquiry concerning export license applications should be addressed to the Exporters' Service Section, Office of International Trade, Department of Commerce, Washington 25, D. C. Such communications should not be attached to an application for license but should be mailed in a separate envelope. Memoranda attached to license applications should be limited to informational data relating to those applications and should not include inquiries requiring individual reply.

(c) When inquiries are made concerning the status of applications, the following reference information is required:

1. Name of applicant.
2. Case number assigned on return postcard.
3. Date of application.
4. Country of destination.
5. Name of consignee (if required).

6. Name, quantity, and value of commodity shown on application. (Specific information is essential for identification.)

7. Schedule B number.
8. Processing code.

(d) Information as to the probable action of the Office of International Trade respecting a proposed shipment or a hypothetical license application will not be given. It will be necessary in all cases to submit an application together with pertinent information in order to obtain a decision.

(e) A supporting letter should give additional information only for the application to which it is attached.

(10) *Telegraphic service for licensees, others.* (a) Applicants for export licenses should allow a period of 21 days after receipt of an acknowledgment card before making telegraphic inquiries regarding such documents. In cases of emergency, the Office of International Trade will authorize export clearance by telegraph or telephone where an export license has not been issued or where such license has not yet been received by the applicant.

(b) Where a licensee or applicant for an export license requests a telegraphic reply, and such telegram is to be paid for by the applicant, the complete address of such person or company, including name, street, city, postal zone number, and State, must be included with the request. This will expedite the servicing of these requests through telegraph companies and the Post Office Department, from which many complaints of incomplete addresses have been received.

**§ 372.8 Issuance and use of export licenses—(a) Issuance of license document.** When an application for an export license, except in the case of an SP (Special) license, is duly approved by the Department of Commerce, an export license is issued on a separate document (Form IT 628) authorizing, subject to the provisions of Parts 370 to 399, and to the terms and provisions of such license, the exportation of the quantity of those commodities described therein.

**NOTE:** (a) Each application when received by the Office of International Trade is given a number (the OIT case number) for identification purposes. The number does not indicate whether the application has been rejected or has been validated as a license. The OIT case number appears in the upper right-hand corner.

(b) Except for SP (Special) licenses for foreign projects and programs, when an application for export license is approved, the license will be issued in the following manner:

(i) Form IT 628 will be prepared, validated, and issued by the Office of International Trade upon approval of a license application for the exportation of commodities to any destination. The license will be validated and identified by a license number in the upper right corner of the document. The license number is composed of a letter and a series of numerals following the validating symbol; for example, A9-2-8-04051, or B91031-33031. The digits immediately following the letter indicate the year, month, and day of validation; the last half of the number is the validating sequence. (A9-2-8) signifies a validating action in the year 1949 (9), in the month of February (2), on the 8th day of the month (8). B91031 signifies a validating action in the year 1949, in the month of October, on the last day of the month.)

(ii) The license number of an export license issued on Form IT 419 is the number appearing in the upper right corner, the case number originally assigned, as explained in paragraph (a), which becomes the license number when the Form IT 419 is validated and issued as a license.

(iii) The perforation stamp previously used for validating export licenses will continue to be used for validating attachments to licenses, such as lists of consignees, donors, donees, etc.

(c) Exporters are cautioned to use the complete license number (letter, digits indicating date of validation, and digits indicating validating sequence) when preparing shipper's export declarations and other export documents, and when communicating with the office of International Trade or requesting services from the Department of Commerce.

(b) *Partial shipments.* Partial shipments may be made against a license.

(c) *Validity of licenses.* Outstanding licenses may be revised, suspended, or revoked, or the validity periods thereof may be extended or reduced, by appropriate orders or regulations. Licenses covering exportations of Positive List commodities or non-Positive List commodities will generally be issued for a validity period of 6 months, except as provided in the following table:

VALIDITY PERIODS OF LICENSES FOR CERTAIN COMMODITIES

Schedule B No.	Commodity	Validity period (in general)	Schedule B No.	Commodity	Validity period (in general)
002700	Fat-back pork, fresh or frozen.	90 days.		Commodities on the Positive List having the processing code CERL.	90 days.
002900	Fat pork, dry-salted; pork backs, dry-salted.	90 days.		Commodities having the processing code PETR, whether on the Positive List or not.	90 days.
003200	Fat-back pork, pickled or salted.	90 days.		Surplus and reject steel whether on the Positive List or not.	90 days.
006550	Butter, natural.	90 days.		Motion-picture and photographic sensitized unexposed film and upper commodities not on the Positive List.	90 days.
006998	Butter oil (formerly 006570).	90 days.		Commodities not on the Positive List having the processing code FATS.	90 days.
006998	Butter spreads (formerly 006590).	90 days.		Aluminum and aluminum base alloy sheets, plates, and strips (0.006 inch in thickness and over), except venetian blind stock, baked enameled, not exceeding 2½ inches in width nor 0.015 inch in thickness, in coils or cut to length.	9 months.
105500	Paddy or rough rice, except seed.	90 days. <sup>1</sup>		Steel mill products (except surplus and reject steel) having processing code STEE, whether on the Positive List or not.	9 months. <sup>2</sup>
105710	Milled rice, containing more than 25 percent whole kernels (including brown rice) (formerly 105700).	90 days. <sup>1</sup>		Port Orford cedar (including Lawson's cypress).	1 year.
105750	Milled rice, containing not more than 25 percent whole kernels (including brown rice, broken rice, and rice screenings) (formerly 105700).	90 days. <sup>1</sup>		Port Orford cedar battery separators (formerly 429000), and Port Orford cedar battery separator veneer and blanks (formerly 421603) (report separator veneers on basis of four separators to one square foot of veneers).	1 year.
105800	Rice flour, meal and polish.	90 days. <sup>1</sup>	630301		
500100	Coal, anthracite.	90 days.			
500200	Coal, bituminous.	90 days.			
500300	Coal and coke briquets.	90 days.			
500400	Coke (including coal-tar coke) (report petroleum coke in 504800).	90 days.			
601300 and 604000	Unrated tinplate: tinplate circles, strips, cobbles, and scroll-shear butts; and waste-waste tinplate (formerly 601400).	90 days.	401700		
604170	Unrated tinplate: tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, including lithographic misprints (formerly 604100 and 620988).	90 days.	420450		
	Commodities on the Positive list having the processing code MEAT.	90 days.			

<sup>1</sup> Licenses to export rice to Cuba will, in general, be valid for 60 days only.

<sup>2</sup> Steel mill products which are licensed in accordance with § 372.3 (g) (2) will, in general, be issued for a validity period of 6 months.

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## VALIDITY PERIODS OF LICENSES FOR CERTAIN COMMODITIES—Continued

Schedule B No.	Commodity	Validity period (in general)	Schedule B No.	Commodity	Validity period (in general)
604110 and 604150	CXS-rated tinplate	1 year.	796900	Parts for railway cars (report axles and wheels in 610515, 610518, 610525, 610528, 610535, and 610538) except: car power units and parts; car replacers and parts; dashlights and parts, for railway motor cars; illuminating lights and parts; inspection car parts; maintenance car parts; pinlock brakes and parts; power units, for electric and railway motor cars; push car parts; release handles and parts; sleet cutters; track-inspection car parts; trackless trolley parts; tram parts, electric, trolley retrievers and parts; truck parts railroad gasoline; and velocipede railway parts.	1 year.
604300	Water, oil, gas, and other unlined storage tanks, complete and knock-down material, or temporary or permanent installation, n. e. s.	1 year.		Commodities on the Positive List having the processing code TEXT.	
604600	Other structural shapes, fabricated, including bridges, buildings, portable houses, towers and welded-steel structures (knock-down included).	1 year.		Commodities on the Positive List having the processing code NONF, except commodities in the Positive List classified under Schedule B No. 630031.	
604600	Prefabricated houses (chief value steel)	1 year.		Commodities on the Positive List having the processing code FERT 3.	
604900	Structural iron and steel sash and frames:				
604900	Metal window frames	1 year.			
604900	Metal window sash	1 year.			
604900	Metal fabricated door frames	1 year.			
606705	Cast-iron pressure pipe	1 year.			
606708	Cast-iron pressure pipe fittings	1 year.			
630030	Aluminum prefabricated houses (dwellings only) (aluminum chief value).	1 year.			
796600	Freight cars, over 10-ton capacity, new	1 year.			
796750	Mine, industrial and other freight cars, not over 10-ton capacity, new	1 year.			
796800	Air-brake equipment, and parts	1 year.			All licenses expire on June 30.

§ 372.9 *Commodity quotas and time for submission of license applications.* Public announcements will be made of quotas for particular periods with respect to commodities included on the Positive List of Commodities (Part 399).

License applications covering Positive List commodities specified in the following table shall be submitted at such times or during such periods as therein provided.

Applications for licenses to export commodities that are not listed in the following table may be submitted at any time. Licenses issued against export quotas authorize export of the commodities described only after the beginning of the calendar quarter to which the export quota applies.

## TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR THE EXPORTATION OF CERTAIN COMMODITIES

Sched- ule B No.	Commodity	Second quarter, 1949	Sched- ule B No.	Commodity	Second quarter, 1949
<b>HIDES AND SKINS, RAW, EXCEPT FURS</b>					
020602	Calf skins, dry	Licensed on monthly basis, applications to be submitted during the first ten days of the current month.	603200	STEEL MILL PRODUCTS (EXCEPT SURPLUS AND REJECT) <sup>2</sup> —continued	
020604	Calf skins, wet		603350	Skep iron and steel	Feb. 16 to Apr. 15.
020702	Kip skins, dry		603390	Galvanized iron culvert sheets (formerly 603300)	
020704	Kip skins, wet		603450	Other galvanized iron sheets (formerly 603300)	Feb. 16 to Apr. 15.
<b>BUILDING MATERIALS</b>			603490	Galvanized steel culvert sheets (formerly 603400)	
606805	Cast-iron soil pipe			Other galvanized steel sheets (formerly 603400)	
606898	Cast-iron soil pipe fittings			Steel sheets, black, ungalvanized:	
709419	Conduit of iron or steel (formerly 709415)		603520	Carbon steel:	
709420	Other metal conduit (formerly 709418 and 709400)		603530	Hot-rolled (formerly 602510), except enameled, lacquered, and painted (formerly 620998).	
709430	Metal conduit fittings, including outlet and switchboxes			Cold-rolled, except enameled, lacquered, and painted; and except tin mill black plate rejects, wasters, and waste-wasters, and cold-rolled sheets, rejects.	
<b>STEEL MILL PRODUCTS (EXCEPT SURPLUS AND REJECT)<sup>2</sup></b>			603570	Alloy steel, except stainless:	Feb. 16 to Apr. 15.
Steel ingots, blooms, billets, slabs, sheet bars, tin-plate bars, and tube rounds (Armeo iron, ingot iron, and other iron made in steel-making furnaces included):			603580	Hot-rolled (formerly 603590), except enameled, lacquered, and painted (formerly 620998).	
Alloy steel (stainless included):			603595	Cold-rolled (formerly 603590), except enameled, lacquered, and painted (formerly 620998).	
601800	Tube rounds (formerly 602300)	Feb. 16 to Apr. 15.	603600	Electrical (steel) sheets, transformer grades (formerly 603590). <sup>4</sup>	
602100	Iron bars (1" and under) <sup>3</sup>	Feb. 16 to Mar. 15.	604300	Iron sheets, black, except enameled, lacquered, and painted (formerly 620998).	Feb. 16 to Apr. 15.
602300	Other steel bars and rods, hot-rolled, containing no alloy (1" and under). <sup>3</sup>			Structural iron and steel:	
602200	Concrete reinforcement bars (deformed and twisted only).	Mar. 1 to Mar. 15.		Water, oil, gas, and other unlined storage tanks, complete and knock-down material, for temporary or permanent installation, n. e. s.	
602900	Wire rods (for further manufacture)	At any time after Apr. 25.	604750	Penstock (formerly 604700)	
Iron and steel plates:			604790	Plates, fabricated, punched, or shaped, n. e. s. (formerly 604700).	
Carbon steel:			605100	Rails, 60 pounds and over per yard. <sup>1</sup>	
603120	Boiler plate, hot-rolled (formerly 603000)		605410	Rail joints and splice bars (formerly 605400).	
603120	Other plates, hot-rolled, except fabricated (formerly 603110).		605450	Tie plates (including fishplates, formerly 605400).	
603130	Boiler plate, cold-rolled (formerly 603000)		606000	Boiler tubes, seamless.	
603130	Other plates, cold-rolled, except fabricated (formerly 603110).		606100	Boiler tubes, welded.	
Stainless steel:			606250	Seamless casing (formerly 606200).	
603140	Boiler plate, hot-rolled (formerly 603000)	Feb. 16 to Apr. 15.	606290	Seamless line pipe (formerly 606200).	
603160	Boiler plate, cold-rolled (formerly 603000)		606350	Welded casing (formerly 606300).	
Alloy steel, except stainless:			606390	Welded line pipe (formerly 606300).	
603170	Boiler plate, hot-rolled (formerly 603000)		606400	Seamless black pipe and tubes, except casing, oil-line, and boiler.	
603170	Other plates, hot-rolled, except fabricated (formerly 603190).				
603180	Boiler plate, cold-rolled (formerly 603000)				
603180	Other plates, cold-rolled, except fabricated				

<sup>1</sup> Applicable to second and subsequent quarters, 1949.

<sup>2</sup> Applications covering surplus and reject steel may be submitted at any time.

<sup>3</sup> Applications covering bars and rods over 1" may be submitted at any time.

<sup>4</sup> Applications covering motor and dynamo grades may be submitted at any time.

<sup>5</sup> Applications covering rails under 60 pounds per yard may be submitted at any time.

## TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR THE EXPORTATION OF CERTAIN COMMODITIES—Continued

Schedule B No.	Commodity	Second quarter, 1949	Schedule B No.	Commodity	Second quarter, 1949
<b>STEEL MILL PRODUCTS (EXCEPT SURPLUS AND REJECTS)—continued</b>					
606705	Cast-iron pressure pipe.....	Feb. 16 to Apr. 15.	656502	Tin tubes.....	
606798	Cast-iron pressure pipe fittings.....		656507	Tin metal in ingots, pigs, bars, blocks, slabs, and other forms.....	Mar. 21 to Apr. 8.
607000	Welded black pipe and tubes, steel.....	Mar. 1 to Mar. 15.			
607200	Welded galvanized pipe, steel.....	Feb. 16 to Mar. 15.			
608100	Iron and steel wire, uncoated, (plain stainless and alloy steel included), except bead wire, brush wire, mandrel wire, and tie wires for reinforcing bars, formerly 609198 (include balling wire, formerly 609198).		657101	<b>ZINC AND MANUFACTURES</b>	
608200	Galvanized wire, except the wires for reinforcing bars (formerly 609198).	At any time after Apr. 25.	657103	Zinc cast in slabs, pigs, or blocks: Special high grade, containing not over 0.007% lead, not over 0.005% iron, not over 0.005% cadmium, no aluminum, and at least 99.99% zinc.	
608300	Barbed wire.....	Mar. 1 to Mar. 15.	657105	High grade, containing not over 0.07% lead, not over 0.02% iron, not over 0.07% cadmium, no aluminum, and at least 99.90% zinc.	
609200	Wire nails (include wire shoe nails) (report shoe tacks in 609400).		657111	Intermediate, containing not over 0.20% lead, not over 0.03% iron, not over 0.50% cadmium, no aluminum, and at least 99.50% zinc.	Mar. 21 to Apr. 8.
609500	Nails: asbestos shingle, cut (include cut shoe nails); roofing, lead-headed; shingle; siding, zinc-coated; smooth, flat-head, cement-coated.	Feb. 16 to Mar. 31.	657121	Brass special, containing not over 0.60% lead, not over 0.03% iron, not over 0.50% cadmium, no aluminum, and at least 99.90% zinc.	
609900	Bolts, iron and steel (except railroad), over 3 feet in length.	At any time.	657125	Selected, containing not over 0.80% lead, not over 0.04% iron, not over 0.75% cadmium, no aluminum, and at least 98.75% zinc.	
610515	Railway car wheels, steel <sup>6</sup> .		657198	Prime western, containing not over 1.60% lead and not over 0.08% iron.	
610525	Railway car axles, without wheels, steel <sup>6</sup> .			Other zinc cast in slabs, pigs, or blocks.	
610535	Railway car axles, fitted with wheels, steel <sup>6</sup> .				
<b>ALUMINUM AND MANUFACTURES</b>					
630301	Aluminum and aluminum-base alloys: Sheets, plates, and strips (.006 inch in thickness and over), except venetian blind stock, baked enameled, not exceeding 2½ inches in width nor 0.015 inch in thickness, in coils or cut to length.	May 10 to May 20.	664505 664905	<b>OTHER NONFERROUS ORES, METALS, AND ALLOYS, EXCEPT PRECIOUS</b>	
			664910 664915 664950	Beryllium ores and concentrates.....	
			664998 669198	Beryllium metal, alloys, and scrap (include wire and sheets).....	Mar. 21 to Apr. 8.
			664998 669198	Bismuth metals and alloys.....	
641200	Refined copper in cathodes, billets, ingots, wire bars, or other forms (report copper bars, except wire bars, in 642400).	Mar. 21 to Apr. 8.	664998 669198	Cadmium metals (include metallic shapes).....	
641300	Scrap copper.....			Radium metal (radium content).....	
<b>LEAD AND MANUFACTURES</b>					
650750	Lead pigs and bars (include blocks and ingots).....	Mar. 21 to Apr. 8.	830910 835700	<b>CHEMICALS</b>	
650750	Lead anodes.....			Chromic acid.....	Mar. 15 to Apr. 1.
651200	Solder.....			Potassium bichromate and chromate.....	Apr. 1 to Apr. 15.

<sup>6</sup> Applications covering railway car wheels and axles of cast iron may be submitted at any time.<sup>7</sup> Applies only to applications filed against supplemental quota for second quarter.

## TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR THE EXPORTATION OF CERTAIN COMMODITIES, THIRD QUARTER, 1949

Schedule B No.	Commodity	Third quarter, 1949	Schedule B No.	Commodity	Third quarter, 1949
<b>STEEL MILL PRODUCTS (EXCEPT SURPLUS AND REJECT)<sup>1</sup></b>					
				<b>STEEL MILL PRODUCTS (EXCEPT SURPLUS AND REJECT)<sup>1</sup>—continued</b>	
601800	Steel ingots, blooms, billets, slabs, sheet bars, tin-plate bars, and tube rounds (Armco iron, ingot iron, and other iron made in steel-making furnaces included):		604300	Structural iron and steel: Water, oil, gas, and other unlined storage tanks, complete and knockdown material, for temporary or permanent installation, n.e.s.	Apr. 25 to May 6.
	Tube rounds (carbon, alloy, and stainless included).	Apr. 25 to June 3.	604750 604790 606250	Penstock..... Plates, fabricated, punched, or shaped, n.e.s.	Apr. 25 to May 6. Apr. 25 to May 6.
602200	Iron and steel bars and rods: Concrete reinforcement bars (deformed and twisted only).	At any time after May 22.	606290 606350 606390 606400	Seamless casing..... Seamless line pipe..... Welded casing..... Welded line pipe..... Seamless black pipe and tubes, except casing, oil-line, and boiler.	May 9 to May 20. May 9 to May 20. May 9 to May 20. Apr. 25 to May 6.
	Plates, including boiler plate, except fabricated:		606705 606798 607000 607200	Cast-iron pressure pipe..... Cast iron pressure pipe fittings..... Welded black pipe and tubes, steel..... Welded galvanized pipe, steel.....	Apr. 25 to May 6.
603120	Carbon steel:		608300	Barbed wire.....	May 9 to May 20.
603130	Hot-rolled..... Cold-rolled.....		609200 609500	Wire nails (include wire shoe nails)..... Nails: asbestos shingle, cut (include shoe nails); roofing, lead-headed; shingle; siding, zinc-coated; smooth, flat-head, cement-coated.	May 9 to May 20.
603170	Alloy steel, except stainless:	Apr. 25 to May 6.			
603180	Hot-rolled..... Cold-rolled.....				
603200	Skelp iron and steel.....	Apr. 25 to June 3.			
603350	Galvanized iron culvert sheets.....				
603390	Other galvanized iron sheets.....				
603450	Galvanized steel culvert sheets.....	May 9 to May 20.			
603490	Other galvanized steel sheets.....				
603595	Electrical (steel) sheets, transformer grades <sup>2</sup> .....	Apr. 25 to May 6.			

<sup>1</sup> Applications covering surplus and reject steel may be submitted at any time.<sup>2</sup> Applications covering motor and dynamo grades may be submitted at any time, but should be filed separately from applications covering transformer grades.

**§ 372.10 Additional information.** Every person applying for an individual or other type of validated license shall, in addition to the information called for in Parts 370 to 399, inclusive, in connection with such type of license or in the form on which the application is made, furnish such information with respect to such application as may be required by the Department of Commerce.<sup>1</sup>

<sup>1</sup> Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

**§ 372.11 Reports.** Any person to whom a validated license has been issued shall file with the Department of Commerce such reports as said Department shall, from time to time, require.<sup>1</sup>

**§ 372.12 Reexportation from country of destination—(a) General provisions.** No exportation may be made under any validated license with the knowledge or intention that the commodities so exported are to be reexported from the country stated on the license applica-

tion as the country of ultimate destination.

(b) **Tangier and Morocco.** Validated licenses covering commodities not included on the Positive List permitting exportation to Tangier (including the International Zone), French Morocco, or Spanish Morocco, are valid for shipment or transshipment of such commodities to Tangier (including the International Zone), French Morocco, or Spanish Morocco.

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**§ 372.13 License applications for in-transit shipments.** License applications for commodities moving in transit through the United States which may not be exported under the general license GIT must include the name and address of the original consignor as well as that of the applicant, and bear the notation "in-transit shipment" on the top of the application form.

**§ 372.14 Bunker fuel and ship stores—(a) Exports requiring validated license.** The provisions of § 371.13 provide a general license for the exportation of bunker fuel and ship stores under the conditions prescribed. A validated license is required where the bunker fuel and ship stores are to be exported not for use or consumption on board during the outgoing and any immediate return voyage of a vessel departing from the United States or where such commodities are not authorized to be exported under a general license to the country of destination.

**(b) Exports for vessels at foreign ports.** A validated license is required where ship stores are to be exported for use of or installation on a specified identified vessel located at a foreign port. When application is made for such an exportation, the following modifications should be observed in completing the license application form (IT 419):

(1) Item 6 (a): Furnish legal name of applicant and the owner, charterer, agent, or master of vessel, whichever is applicable.

(2) Item 7 (a): Furnish the name of the purchaser.

(3) Item 7 (b): Furnish the name of the vessel on which the bunker fuel or ship stores will be used or installed; and the port, at which such vessel is located.

**NOTE:** The license shall be valid for a period of 1 year from the date of issuance, unless otherwise specified.

**§ 372.15 Applications for licenses to export to South Korea, Japan, Marcus Island, and Germany—(a) South Korea, Japan, and Marcus Island.** Except as noted below, applications for licenses to export commodities listed in § 399.1 to South Korea, Japan, and Marcus Island must be accompanied by a true or photostatic copy of such import permit document as may be required by the appropriate occupying government authorities having jurisdiction over approval of importations to those destinations.

Applications for licenses to export commodities to Japan and South Korea which are consigned to missionaries or their duly accredited agents need not be accompanied by import permits or photostatic copies thereof: *Provided*, That the commodities contained in such shipment are for the sole use and consumption of full-time church workers or their dependents in Japan or South Korea, as the case may be; *And provided further*, That the applicant makes the following certification on the export license application and on the outside of all packages contained in each such shipment:

This shipment of \_\_\_\_\_ is for the sole use and consumption of missionaries,

full-time church workers, or their dependents, in \_\_\_\_\_  
(Name of country)  
and will not be used for any other purpose.

**(b) American and British Zones of Germany.** Except as provided in this paragraph, license applications covering proposed exportations to the combined American and British Zones of Germany must contain (under item 5 of Form IT 419) the import permit number or the contract number assigned by the Joint Export-Import Agency in Germany covering the proposed shipment.

**NOTE:** A true or photostatic copy of the import permit may be submitted with the export license application in lieu of showing the import or the contract number assigned by the JEIA in Germany under item 5 of Form IT 419.

License applications to export bona fide trade samples, other than samples of streptomycin, cigarettes, and other tobacco products, to the combined American and British Zone of Germany need not contain the import number or the contract number assigned by the Joint Export-Import Agency provided the applicant clearly indicates on the license application that the commodities involved are samples only, and provided the quantities of samples involved are not excessive in relation to the nature of the commodities. As used herein, the term "sample" means all commercial and industrial specimens.

**NOTE: Gift shipments.** The provisions set forth herein do not affect the shipment of commodities under the general license for gift shipments by mail; import permits are not required for such shipments. Import permits are required, however, for all other gift shipments.

**Trade samples.** The provisions set forth herein do not affect the shipment of bona fide trade samples to the United States, United Kingdom and French Zones of Germany, and the United States, United Kingdom, and French Sectors of Berlin. Import permits are not required for such shipments.

**§ 372.16 Special provisions relating to applications filed by veterans—(a) General statement—(1) Purpose of the plan.** The Department of Commerce has established a Veterans Preference Plan for the purpose of giving preferential treatment to license applications submitted by veterans of World War II. The plan is designed to aid veterans who were engaged in the export business prior to entering military service, as well as veterans who are newcomers in the export trade.

**(2) Definition of "veteran."** For the purposes of this special procedure, a veteran is defined as any person who shall have served in the active military or naval service of the United States at any time on or after September 16, 1940, and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of 90 days or more, or by reason of an injury or disability incurred in service in line of duty.

**(b) Veterans preference plan—(1) Preferential consideration.** Any person who qualifies as a veteran may receive preferential consideration of his applications for export licenses, to the extent outlined below, by submitting such ap-

plications in accordance with the procedure set forth in paragraph (c) of this section.

**(2) Quotas.** The Department of Commerce will set aside out of current quotas or allocations limited quantities of commodities against which export license applications submitted by veterans will be approved. The quantities set aside for this purpose will be established for individual commodities and may be changed or eliminated entirely depending on the current supply condition of the particular commodity. To the extent of the quantities thus set aside for particular commodities, applications submitted by veterans will be given preferential consideration over applications submitted by other persons.

**(3) Records of past exports.** Veterans who are required under any regulations or procedures of the Department of Commerce to submit records of past exports of particular commodities during a specified base period, and are unable to do so because of absence in the military service during the whole or any part of the specified base period, may comply with such regulations or procedures by submitting records of past exports of the particular commodity or commodities for other years prior to entering the military service.

Such records of past exports submitted by veterans will be accepted by the Department of Commerce as the basis for the veteran's participation in export quotas with other exporters even though a procedure or regulation requires other exporters to submit information as to past exports during a specified base period in order to qualify for such participation.

**NOTE:** Veterans not previously engaged in exporting will also be permitted to export certain quantities of these commodities, but licenses will be issued to them out of the quantities set aside in the veterans reserve.

For those commodities for which past participation is not the basis for licensing, no special advantage accrues to applicants approved for Veterans Preference.

**(4) Applicability of other regulations.** All regulations and procedures of the Department of Commerce relating to exports, except as otherwise provided in this section, shall apply to applications for export licenses submitted by veterans and export licenses issued to veterans under this procedure.

**(c) Procedure for establishing eligibility and filing applications under the veterans preference plan—(1) How to qualify.** To establish eligibility to participate in the plan, the applicant will submit a letter addressed to the Office of International Trade, Washington 25, D. C., Attention: Veterans Preference Officer, containing the following information:

(i) Name and address of veteran or veterans.

(ii) A photostatic or certified copy of the honorable discharge or certificate of service. The certification may be made by a commissioned officer of the Armed Forces or a notary public.

(iii) A statement showing the name and address of the person, partnership or corporation for which veterans preference is being requested.

In the case of a veteran operating under his own name and on his own behalf, the veteran must state that he is the principal in the export transactions for which he asks preference; that he is acting solely on his own behalf, and that he will receive all profits, minus usual operating expenses, from the transaction.

In the case of a partnership, the statement must include a copy of the partnership agreement, which shows the percentage of veteran ownership interest in the firm, or, if there is no written agreement, a statement by all the partners which shows the ownership interest of each partner in the partnership.

In the case of a corporation, the secretary of the corporation must state the percentage of veteran ownership of capital stock in the corporation and the veteran must state that he owns the stock in good faith and has not pledged it.

**Note:** The Office of International Trade will notify the veteran, partnership, or corporation of eligibility to preference under the Plan. The eligibility having been established, the information described in paragraph (c) (1) of this section need not be submitted again. However, the veteran, partnership, or corporation will continue to be eligible to participate in the Veterans Preference Plan only if the requirements described in paragraph (c) (8) of this section continue to be met. In the event there is a change in the ownership situation and the veteran, partnership, or corporation is no longer eligible for Veterans Preference, it shall be the veteran's responsibility to notify promptly the Veterans Preference Officer of the change.

(2) *How to file applications.* All applications for export licenses submitted under this procedure shall be filed on the form or forms and in the manner prescribed for the filing of export license applications by the Department of Commerce, except that each application filed under this procedure shall contain the statement "veterans preference" conspicuously placed on the face of the application.

The use of the words "veterans preference" on applications filed under this procedure shall constitute a certification by the applicant that the eligibility requirements are currently met.

**Note:** The notation "veterans preference" should be made at the bottom of item 9 (c) of Form IT 419. Under these words the veteran should indicate if he has had previous experience in the export of the specific commodity or commodities covered by the application.

While every possible consideration will be given to applications of veterans, the Department of Commerce cannot guarantee that veterans will receive approved export licenses for all applications submitted.

(3) *Limitations.* In general, license applications filed by veterans under this procedure will not receive the benefits of the Veterans Preference Plan unless such applications are filed by the veteran for his own account or for the account of a firm or corporation in which he has at least a 50 percent ownership interest. A partnership or corporation which is owned by two or more veterans is entitled to only one veteran's preference. No export license issued to a veteran under this procedure may be transferred except

by written authorization of the Department of Commerce.

**Note:** A partnership or corporation which employs veterans on a salary, commission, or profit-sharing basis is not eligible to participate in the Veterans Preference Plan solely by reason of such employment.

Veterans having specific questions concerning procedures regarding the Veterans Preference Plan should address their inquiries to the Office of International Trade, Department of Commerce, Washington 25, D. C., attention Veterans Preference Officer.

**§ 372.17 Special provisions for commodities exported for relief or charity.** Applications for validated licenses to export commodities for relief or charity must show not only the appropriate relief category Schedule B number but also the specific Schedule B number established for the commodity when shipped commercially.

For example: When exported for relief or charity by individuals and private relief agencies, lard is classified under Schedule B No. 999810; when exported commercially, lard is classified under Schedule B No. 005300.

#### PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

##### Sec.

- 373.1 Export licensing general policy.
- 373.2 Special provisions for iron and steel, except surplus and reject.
- 373.3 Special provisions for surplus and reject steel.
- 373.4 Special provisions for tinplate.
- 373.5 [Deleted, effective April 22, 1949]
- 373.6 Provisions concerning licenses for jute and jute products.
- 373.7 Historical basis of licensing for certain commodities.
- 373.8 Special provisions for building materials.
- 373.9 Special provisions for diamonds.
- 373.10 Special provisions for calf and kip skins.
- 373.11 Special provisions for nitrogenous fertilizer materials on which preference assistance is requested.
- 373.12 Special provisions for chemicals and medicinals.
- 373.13 Special provisions for certain metals.
- 373.14 Special provisions for certain ores, concentrates, smelter and refinery residues, unrefined products.
- 373.15 Special provisions for certain petroleum products.
- 373.16 Special provisions for X-ray film.
- 373.17 Special provisions for silicon steel sheets.
- 373.18 Special provisions for manila and sisal fibers.
- 373.19 Special provisions for machinery and parts.
- 373.20 Special provisions for voluntary steel allocation plan for ECA countries.
- 373.21 Special provisions for woven-wire fencing, wire, and wire rods.
- 373.22 Special provisions for tin mill black plate rejects, and cold-rolled carbon steel sheets, rejects.
- 373.23 Special provisions for exports of rice to Cuba.
- 373.24 Special provisions for deformed and twisted concrete reinforcement bars and barbed wire.

**AUTHORITY:** §§ 373.1 to 373.24 issued under Pub. Law 11, 81st Cong., E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

**§ 373.1 Export licensing general policy.** The following general, but not ex-

clusive, policy for export licensing and related procedures are hereby established.

(a) *Price—(1) Excessive prices.* Price will be applied as one of the licensing criteria only when the export price for the specific commodity is obviously excessive.

Commodity advisory panels or commodity advisory committees will be consulted whenever possible in determining what constitutes obviously excessive prices.

(2) *Price stated on license applications.* The price to be stated on the export license application must be the export contract price and the point of delivery must be clearly indicated. If point of delivery is other than the intended port of exit, the intended port of exit must also be shown. The exportation may not be made or invoiced at a price in excess of that stated on the validated license.

(3) *Where firm contract price not set.* Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price, at time of delivery or shipment" or other such general statement of price will not be acceptable.

(b) *Accepted orders: evidence and certification—(1) Accepted order.* Exporters are required to hold, in connection with each license application for commodities set forth in paragraph (h) of this section, an accepted order covering the transaction between the applicant and the foreign buyer. Such transactions may, nevertheless, be conditioned upon satisfactory payment arrangements or upon the issuance of an export license, import permit, exchange permit, or such other government document as may be required.

(2) *Evidence of accepted order.* Evidence of an accepted order may take the form of an original or photostatic copy of either the contract signed by both the exporter and importer, or of letters, telegrams, cables, or other documents resulting in a contract between the applicant and the foreign buyer. Evidence of an accepted order, as provided herein, must be submitted with license applications for the following commodities:

(i) Surplus and reject iron and steel products on the Positive List having the processing code STEE.

(ii) Unrated tinplate of the following descriptions:

##### Schedule B No.

For reimport to the United States as food containers	604110, 604150
Waste-waste strips, rings, and circles	601300, 604000
Tinplate, decorated, embossed, or otherwise advanced; lithographic misprints	604170
Idle and excess stock (mill accumulations)	604110, 604150

(3) *Small orders.* Evidence of accepted orders or certification as to accepted orders, as provided for in this

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paragraph (b), need not be submitted where the amount of the transaction covered by the application is not more than \$100 in value or not more than twice the GLV value of the named commodity, whichever is higher. However, the exporter must keep such evidence available for inspection upon request by the Department of Commerce for 3 years from date of receipt of the application.

(4) *Certification as to accepted order.* (i) With respect to license applications covering Positive List commodities with the processing code symbol LUMB, diffusion pump oils (Schedule B No. 829980), and all the commodities listed in paragraph (h) of this section, an applicant shall, instead of submitting evidence of an accepted order, certify in the following form that he does have an accepted order for the commodities covered in the application and that he will keep and make available to the Office of International Trade the relevant documents or records.

As a material representation in connection with this application \_\_\_\_\_

(Applicant's reference number)

I (we) certify that it represents a request to export commodities which, subject only to conditions beyond the control of either the applicant or named purchaser, the named purchaser has contracted to buy from the applicant, and the applicant has contracted to sell to the named purchaser. This application accurately reflects the terms of this contract. The documents or records evidencing this contract will be kept by this applicant for 3 years from the date of receipt of the application and will be made available to the Office of International Trade upon demand.

The foregoing certification must be set forth on the face or reverse side of the duplicate copy of the application or an attachment thereto. If the certification is made on an attachment to the license application, it must be signed by the applicant or an officer or a duly authorized agent of the applicant in the same manner as the application itself.

(ii) Where the transaction between the applicant and purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the prescribed certification is inapplicable, the applicant should submit a full description of the nature of such transaction in writing to the Director, Commodities Division, Office of International Trade, Washington 25, D. C., with a request for permission to substitute a proposed certification to fit the particular situation.

(5) *Representations; changes in accepted orders.* The answers to all questions in the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the contracts as reflected in the application or any certification made in connection therewith, whether a license has been granted or the application is still under consideration, shall be promptly reported to the Office of International Trade.

## INTERPRETATION

## EVIDENCE OF AN ACCEPTED ORDER

The following interpretation of § 373.1, Export Licensing General Policy, is issued concerning paragraph (b), Accepted Orders: Evidence and Certification:

A. *Definition.* Evidence of an accepted order means evidence of a contract which binds the exporter to sell and the importer to buy, but which may be conditioned as provided in § 373.1 (b). This contract may take the form of one document signed by both parties or it may consist of an offer in definite terms made by either party and accepted in those same terms by the other party. Sometimes several documents have to be exchanged before all terms of a contract are agreed upon and in such a case the documents which embody the agreement would be the evidence of the contract.

B. *Examples of documents which constitute evidence of an accepted order.* The following are examples of documents which ordinarily would constitute evidence of an accepted order:

(1) A contract signed by both exporter and importer.

(2) Telegrams, cables, letters or other documents exchanged between exporter and importer.

C. *Originals and copies of documents.* Originals need not be submitted; but if photocopies or other copies of documents are submitted, they must be certified by the applicant to be true copies of the originals as provided in § 372.4. The Department of Commerce may demand the originals of any copies of documents submitted in support of applications.

Applicants may also submit originals or certified copies of any other documents, such as letters of credit, to clarify the terms and conditions of the contract.

All abbreviations, coded terms or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service but, if not, must be certified by the applicant to be a correct translation.

D. *Shipments to foreign subsidiaries or distributors.* Where an exporter ships supplies or equipment to its foreign subsidiary or to distributors for use or resale, but it is not the practice for the subsidiary or distributor to submit or for the exporter to accept orders, evidence of accepted orders need not be submitted. The exporter must, however, submit a full statement of the nature of the transaction or arrangement, together with originals or certified copies of requisitions or other pertinent documents, explaining in such statement the end uses of the commodities involved. Where the exporter desires to ship commodities abroad under any other arrangement, a full statement of the nature thereof must likewise be submitted.

(c) *End use.* Where commodities are licensed for export on the basis of the specific end use to which the material will be applied abroad, applications will be considered for approval only if they conform to appropriate end uses.

(d) *Historical basis for granting export licenses.* Throughout the war years, and the postwar period a controlling factor in the granting of export licenses was the historical basis, whereby the bulk of export quotas was reserved for those exporters who had established America's export trade during a base period of severe competition when there were no export controls. While the historical basis will not be the

predominating factor in licensing commodities subject to the provisions of this section, it may be taken into consideration together with other criteria when quotas are oversubscribed in order to ensure, insofar as possible, a fair and equitable distribution of available quotas.

(e) *Foreign government recommendations.* The Office of International Trade reserves the right in all respects to determine to what extent any recommendations made by foreign governments should be followed. However, the Office of International Trade will not seek or undertake to give consideration to recommendations from foreign governments as to the United States exporters whose license applications should be approved.

(f) *U. S. and foreign government procurement—(1) U. S. Government.* For such purchases as may be made by agencies of the United States Government, licenses, where required, will be issued to the United States purchasing agency or its designee making the export shipment, but such exports will be authorized only where it is evident that the use of private trade channels is inappropriate.

(2) *Foreign governments.* Procurement by foreign governments will be subject to continuous review in line with the announced policy of the United States to maximize the restoration of private trade, and in every instance the foreign government will be requested, before it buys any commodity, to establish the competitive nature of its procurement.

(g) *Commodity advisory panels and committees.* Commodity advisory panels and committees will be consulted regarding problems arising in the administration of the provisions of this section.

(h) *Commodities subject to this export licensing policy.* The export licensing policy set forth in the preceding paragraphs of this section shall be applicable to the following commodities:

(1) All commodities with the following processing code symbols of the Office of International Trade that are included on the Positive List of Commodities:

ACID	NATS
BLDG	PLAT
CERL	SALT (except diffusion pump oils, Schedule B No. 829980)
COAL	SEED
CONT	STEE
DRUG	TEXT
DYES	TNPL
FERT	TRAN
MEAT	

(2) The following additional Positive List commodities:

Commodity	Schedule B No.
Calf skins, dry	020602
Calf skins, wet (include slunk skins)	020604
Kip skins, dry	020702
Kip skins, wet	020704
Port Orford cedar logs, bolts, and hewn timber	401700
Other hardwood flooring	413200
Port Orford cedar veneers	421603
Port Orford cedar battery separators	429450
Petroleum coke	504800
Diamond grinding wheels	540905
Diamond dust, or powder	540910
Diamonds suitable only for industrial use	599005
Diamonds, rough or uncut, suitable for cutting into gem stones	599010

Commodity	Schedule B No.
Diamond bearings	599098
Diamond saws, except circular	615605
Tools incorporating industrial diamonds, n. e. s.	617891
Aluminum and aluminum-base alloy sheets, plates, and strips (.006 inch and over)	630301
Lead and manufactures	650408 to 651598, inclusive
Tin and manufactures	656502 to 656598, inclusive
Babbitt metal (report scrap and dross in 664998)	662000
Antimony ores and concentrates (antimony matter, containing lead)	664501
Bismuth matte, slimes, residues and base bullion	664510
Antimony (include metals or regulus, needle or liquated antimony, alloys and antimony - bearing scrap metal)	664901
Beryllium metal, alloys, and scrap	664905
Bismuth metals and alloys	664910
Cadmium metals (include metallic shapes)	664915
Cadmium alloys	664917
Radium metal (radium content)	664950
Babbitt metal dross and scrap; gallium metal; and polonium metal	664998
Type (include multigraph type) (report type metal in 651510)	667000
Rock drills (when containing diamonds)	731100
Rock drill bits, detachable, when containing diamonds	731150
Other mining and quarrying machinery, when containing diamonds	733910
Parts for mining and quarrying machinery, when containing diamonds	733990
Diamond dies for power-driven metal-working machinery	745503
Diamond penetrators	774020
Diamond penetrator parts	775098
Diamond disk points and other dental instruments containing diamonds	915000

**§ 373.2 Special provisions for iron and steel, except surplus and reject.** Iron and steel products on the Positive List of Commodities and having the processing code STEE, except surplus and reject steel, will be licensed for export against the first calendar quarter, 1949, and subsequent export quotas in accordance with the following provisions:

(a) **Basis for licensing.** Export license applications covering iron and steel products described above will be approved on the basis of accepted orders, end use for which the exportation is intended, export price, and country of destination involved in accordance with the licensing policy set forth in § 373.1.

(b) **Evidence of availability of material.** Applicants for licenses to export iron and steel products described above must submit with each application an acceptance or commitment letter from the supplier, evidence of ownership (such as a bill of sale, invoice, or photostatic copy thereof), or other proof that the amount of material covered by the application is in fact available to the applicant. The letter of commitment by the supplier is to be dated and must show the quantity accepted or committed; letters of commitment which are more than 90 days old on the last day for filing applications for the calendar quarter will not be accepted. If the evidence of availability is from a supplier who is not a producer, the applicant shall furnish a statement from the supplier certifying that the material is actually in his possession

or furnish clear evidence from the supplier that the material will be made available to him.

**Note:** Applicants are cautioned that the submission of such proof of availability of material does not guarantee that the applicant will receive a license for the full amount or any portion thereof which he may be able to procure.

(c) **Time for submission and action on applications.** (1) Export license applications must be submitted in accordance with the time schedule as set forth in § 372.9. License applications will be returned without action to the applicant if time schedules for submission are provided but not observed by the applicant; such applications may be resubmitted during the appropriate periods. Applications submitted for consideration against fourth quarter, 1948, quotas which have not been validated because of quota limitations will be held without action for consideration against first calendar quarter, 1949, export quotas.

(2) Where a license has been issued against fourth-calendar quarter, 1948, quotas for less than the full tonnage originally applied for, the office of International Trade will review the unlicensed portion on such application with a view to issuing licenses covering the unlicensed portions against first calendar quarter, 1949, quotas: *Provided*, The original license was validated after December 5, 1948; applicants need not submit new applications covering such unlicensed quantities of iron and steel. However, additional applications, based on new orders, may be submitted for consideration in accordance with the time schedule set forth in § 372.9.

(3) It is the intention of the Office of International Trade to complete licensing of iron and steel commodities within 35 days after the closing date for the submission of applications for such commodities, where such closing dates are specified.

(d) **Export price.** In answer to item 9 (d) of the application form (IT 419), the export price may be shown either in terms of the total price, including price per unit, or in terms of the supplier's price plus a specified mark-up. This latter method may be used only where the supplier has filed, or files, with the Office of International Trade his price schedule maintained for the sale of iron and steel items for which export licenses are or may be requested and a statement that the supplier will inform the Office of International Trade promptly (within 10 days) of any changes which may occur in his price schedule. In case the unit price varies according to size or specifications, the applicant must show unit price for each separate size or specification.

**Note:** Because of the increased price of steel products, holders of valid export licenses validated prior to September 30, 1948, covering all commodities on the Positive List identified by the processing code STEE except reject materials, need not return such licenses to the Office of International Trade for a price amendment, provided the proposed increase over the unit value and/or total price shown on the license does not exceed 10 percent. Collectors of customs have been advised that shipments against

such licenses may be cleared for export without an amendment by the Office of International Trade in such cases where the increase in unit value and/or total price shown on the shipper's export declaration does not exceed that shown on the export license by more than 10 percent. However, this 10 percent increase may not be applied to those licenses which have been amended previously by the Office of International Trade to permit a price increase.

(e) **Applications in excess of quotas; refiling.** Applications for which quota is exhausted will be returned without action (RWA) immediately and may not be refiled prior to the date shown on the RWA form. If the letter of acceptance or commitment originally filed is more than 90 days old at the time of refiling of such an application, the letter must be reconfirmed or a new letter must be submitted at the time of refiling.

(f) **Validity period.** Unless otherwise stated on the license, licenses authorizing the exportation of iron and steel products will generally be issued for a validity period of 9 months except for the following items where the validity period will be 1 year: Fabricated structural shapes, Schedule B No. 604600; unlined storage tanks, Schedule B No. 604300; cast-iron pressure pipe, Schedule B No. 606705; and cast-iron pressure pipe-fittings, Schedule B No. 606793.

(g) **Amendments and extensions—(1) Amendments; general.** Save for exceptional circumstances, requests for amendments to increase the quantity specified on a license or to substitute another commodity for the one licensed will not be granted. Requests for amendments in country of destination will be considered by the Office of International Trade, as provided below, where shipments cannot be made to the foreign country either because of the general operation of official regulations of that country, or for other reasons. Requests for amendment of licenses which involve a change in the country of destination will be considered provided the granting of such request does not result in an unjustifiable increase either in the quota set aside for the new destination or in the exporter's participation in such quota.

(2) **Change in country of destination.** Where the exporter is unable to complete the export transaction because the operation of the official regulations of the original country of destination results in general curtailment of import permits or foreign exchange permits governing the movement into or use within that country of iron and steel products, the request for amendment to change the country of destination must be accompanied by the following:

(i) The original license, unless it has been returned for cancellation. If license has been deposited with a collector of customs, the complete license number shall be given and the collector identified;

(ii) A new license application including the necessary certification required by § 373.1 (b);

(iii) The evidence of availability of the commodity as provided in § 373.2 (b). Letters of commitment submitted must not be more than 90 days old on the date the request for amendment is made; and

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(iv) A letter from the original consignee in the foreign country, indicating that he has been unable to consummate the transaction because of facts described in this subparagraph, or the applicant's own certification that he (the applicant) has been unable to complete the transaction because of such reasons.

Where such requests for amendment involving a change in the country of destination are granted, licenses will be issued with a validity period of six months unless otherwise stated on the license.

The Office of International Trade will consider on their individual merits requests for amendment involving a change in the consignee or purchaser but no change in the country of destination, and requests for amendment involving a change in the country of destination for reasons other than the general operation of official regulations of the country for which the shipment was originally licensed. In such cases, applicants shall submit a complete statement of the reasons for the amendment. Documents described in (i), (ii), and (iii) of this subparagraph shall be submitted if a change in the country of destination is involved. Documents described in (i) and (ii) of this subparagraph shall be submitted if the request for amendment involves a change in consignee or purchaser but no change in country of destination.

(3) *Extensions.* No extensions of the validity period will be granted with respect to export licenses amended to change the country of destination pursuant to subparagraph (2) of this paragraph. Requests for extension of the validity period of licenses which have not been so amended will be considered in cases of material ready for shipment only for the limited period of time necessary to clear such shipment.

**NOTE:** The Office of International Trade cannot undertake automatically to approve requests for amendment to change country of destination even where it is evident that shipment under the original license is prevented because of the general operation of official regulations of that country.

(h) *Restrictions on number of license applications.* Not more than five applications, including BLT (Blanket) export license applications, may be filed by a single applicant against a single commodity quota covering proposed shipments to a single foreign country in any one quarter when the regulations provide for a filing period for such applications of one month or less.

**NOTE:** With respect to iron and steel products on the Positive List of Commodities having the processing code STEE, except surplus and reject steel, the Office of International Trade will leave intact, as nearly as possible, the list of proposed consignees submitted with each BLT application. This will enable the applicant to select the specific consignee to whom he prefers to ship in the event the entire quantity approved is less than that applied for, although no one consignee may receive more iron or steel out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

**§ 373.3 Special provisions for surplus and reject steel—(a) Definitions.** When used in this section:

(1) "Steel" shall mean any iron and steel mill product included on the Positive List of Commodities which has the processing code STEE.

(2) "Surplus steel" shall mean, in general, steel which, because of its type, grade, dimensions, size, gauge, chemical analysis, or condition, is not commercially salable in the domestic market. Any steel, regardless of origin, and whether new, used, or reconditioned, may be considered as surplus where proven to be not commercially salable in the United States. Used or reconditioned steel which is of such character and is in such condition that it may be put to the same use or uses as would similar or comparable new steel ordinarily will not be licensed for export as surplus. However, if the steel proposed for export is of such grade that, while it cannot be used in a manner or for a purpose similar or comparable to that for which it was originally produced, it may be rerolled, redrawn, or otherwise reworked into usable steel material by processes short of remelting, such steel may be licensed as surplus. An indicated end use other than that customary for the kind of steel proposed for export will not necessarily qualify such steel for licensing as surplus steel. In no event will surplus steel of scrap grade be licensed for export except as scrap.

(3) "Reject steel" shall mean new and unused steel which contains such inherent manufacturing defects as snakes, slivers, seams, laminations, fractures, or any other physical or chemical defects which, in general, cause it to be not commercially salable in the domestic market. Steel offered for export in less than standard units, although it is otherwise of prime grade (as wire in pieces of less than full coil lengths, plate cuttings, bar shorts, etc.), will not be considered to be "reject steel." However, where such steel is offered for export in mixed lots (as "farmers' mix" nails, wire shorts, etc.), which lots originate with a producing steel mill, fabricator, or processor, it may be exported as reject steel.

(b) *Application requirements.* All applications for individual licenses to export surplus or reject steel shall be governed by the following provisions, in addition to the requirements set forth below in the other paragraphs of this section:

(1) Applications on the required form, IT 419, may be submitted at any time.

(2) Applications shall contain a complete description of the steel as to type, quantity, grade, size, gauge, conditions, and packing.

(3) The unit value and total price must be shown on the application at f. a. s. or f. o. b. port of exit.

(4) Applications for licenses to export surplus or reject steel must be accompanied by evidence of accepted orders, as provided in § 373.1.

**NOTE:** The Office of International Trade will utilize extensively considerations of price as one of the licensing criteria; and when the export price is judged to be excessive, applications will be rejected. Prices quoted on surplus or reject material will be compared with the domestic price of comparable material and with the price of similar prime material.

(c) *Additional requirements for surplus steel—(1) Evidence of unsalability.* Applications for licenses to export surplus steel must be accompanied by detailed and complete evidence showing that the steel is not commercially salable in the domestic market. An applicant for an export license must prove that the steel proposed for export is not commercially salable on the domestic market by submitting evidence that the steel in question has been repeatedly offered for sale unsuccessfully in the normal domestic channels of trade for the steel in question at reasonable and competitive prices.

(2) *Inspection report.* In addition, an inspection report in duplicate prepared by a recognized commercial testing laboratory covering the steel described in the application may be required to substantiate the applicant's claim that the steel is actually surplus.

(d) *Additional requirements for reject steel.* Applications for licenses to export reject steel must be accompanied by the following documents:

(1) *If the steel is in possession of the applicant.* A certified copy of the sales documents covering the purchase of the steel by the applicant or a statement that the exporter-applicant is the producer of the steel.

(2) *If the steel is not in possession of the applicant.* The original or a certified copy of a letter of commitment from the supplier stating that immediate delivery (i. e., within 60 days from the date of commitment) of the steel can be made to the applicant.

(3) *Inspection report.* All applications for licenses to export 25 or more short tons of reject steel must be accompanied by a certified copy, in duplicate, of an inspection report of a recognized commercial testing laboratory covering a recent inspection of the material. Such inspection must be at least a 10 percent random physical inspection of the total quantity shown on the license application, but a more complete coverage, as well as chemical analysis, may be requested. In addition, the Office of International Trade may, if needed, require submission of an inspection report prepared by a recognized commercial testing laboratory with applications for licenses to export less than 25 short tons of reject steel.

Where the material is shipped directly for export by a producer, processor, or fabricator, the producer's, processor's, or fabricator's mill inspection report may be accepted in lieu of a testing laboratory report.

(4) *Additional documentation.* In addition, in some cases, the Office of International Trade may request additional documentation to determine whether the steel is commercially salable in the domestic market.

(e) *License limitations—(1) Validity period.* The validity period of all individual licenses authorizing the exportation of surplus steel or reject steel will be stated on the license. All such licenses shall be valid for a period of 90 days from the date of validation, unless otherwise stated. Applications for extension of the validity period will not be granted

save where warranted in unusual circumstances.

(2) *Export clearance.* Inspection reports as described in paragraphs (c) (2) and (d) (3) of this section must, in general, be presented to the collector of customs when export of the surplus or reject steel is effected. When such inspection reports are required to be presented to the collector of customs as a condition of clearance of surplus or reject steel licensed for export, such requirement will be noted on the license and the inspection report will be attached thereto and thus become a part of the license.

**§ 373.4 Special provisions for tinplate.** Individual licenses authorizing the exportation of tinplate classified under Schedule B Nos. 601300, 604000, 604110, 604150, and 604170 will be issued, subject to the following special conditions and procedures:

(a) *End use of tinplate.* In general, applications for licenses will not be granted unless it is shown to the satisfaction of the Department of Commerce that the ultimate or end use of such tinplate, Schedule B Nos. 601300, 604000, 604110, 604150, and 604170, will be for one or more of the following purposes:

- (1) The preservation of perishable essential foods for foreign consumption;
- (2) The packaging of food products for import into the United States;
- (3) Other meritorious end uses.

(b) *CXS priority assistance.* Notice is hereby given that Certified Export Steel (CXS) priority assistance will be assigned by the Office of International Trade, Department of Commerce, only to license applications granted under this section for the end use described in paragraph (a) (1) of this section. The license application must show that purchase orders for the tinplate will be placed with a producer or producers for mill shipments because purchase orders for tinplate on which the symbol CXS has been authorized by the Office of International Trade may be placed only with steel producers for mill shipments and may not be placed with distributors for shipment from warehouses. Such priority assistance, including mill space reservation for CXS tinplate purchase orders, will be in accordance with Allocations Regulation 2, (including Direction 1 thereof) (§ 336.40 of this chapter) of the Office of Domestic Commerce.

(c) *CXS-rated tinplate.* The following special provisions shall govern applications for licenses to export tinplate, Schedule B Nos. 604110 and 604150, specifically hot-dipped and electrolytic, primes and seconds, for use in the preservation of perishable essential foods:

(1) *Consignee.* No such application will be granted unless it is shown that the foreign consignee is a regular consumer of tinplate for the purpose of food preservation.

(2) *Submission of applications.* Applications, on the prescribed form, IT 419, must be submitted at least 90 days prior to the beginning of the calendar quarter in which mill delivery of the tinplate is sought.

(3) *Certification of order.* Applications must contain a certification, as

provided in § 373.1 (b), that the applicant holds an accepted order for the commodities included in the application.

(4) *Assignment of CXS rating.* If the application is granted, Certified Export Steel (CXS) priority assistance will be assigned thereto by the Office of International Trade, Department of Commerce.

(5) *Granting of licenses.* Licenses under this paragraph for the exportation of CXS-rated tinplate will be granted against allocations during the 3 months' period preceding the calendar quarter to which the CXS mill space reservation, if any, is applicable.

(6) *Validity period.* In general, licenses for export of priority-rated tinplate will be issued for a validity period of 1 year from the date of validation.

(d) *Unrated tinplate for food imports to U. S.* The following special provisions shall govern applications for licenses to export tinplate, Schedule B Nos. 604110 and 604150, to be used to package food for import into the United States, and for which tinplate CXS priority assistance will not be assigned:

(1) *Submission of applications.* Applications on the prescribed form, IT 419, may be submitted at any time during a calendar quarter.

(2) *Evidence of accepted order; end use.* Applications must be accompanied by evidence of accepted order, as provided in § 373.1 (b). Applications also must state specifically the type of food to be packed, to whom the food will be shipped in the United States, and the approximate period of shipment of the food.

(3) *Evidence of availability.* All applications submitted by applicants who are not producers of tinplate also must be accompanied by satisfactory evidence of availability of the tinplate to the applicant, such as a purchase invoice, warehouse receipt, or a letter from the supplier stating that the tinplate will be available to the applicant for export without CXS priority assistance.

(4) *Validity period.* Licenses issued under this paragraph shall be valid for a period of 6 months from the date of validation, unless otherwise stated on the license.

(e) *Unrated tinplate for nonfood uses abroad.* The following special provisions shall govern applications for licenses to export prime tinplate, Schedule B No. 604150, for nonfood uses abroad, and for which CXS priority assistance will not be assigned:

(1) *Submission of applications.* Applications on the prescribed form, IT 419, may be submitted at any time during a calendar quarter.

(2) *Certification of order.* Applications must contain a certification, as provided in § 373.1 (b), that the applicant holds an accepted order for the commodities included in the application.

(3) *Evidence of availability.* All applications submitted by applicants who are not producers of tinplate also must be accompanied by satisfactory evidence of availability of the tinplate to the applicant, such as a purchase invoice, warehouse receipt, or a letter from the supplier stating that the material will be available to the applicant for export

within a 90-day period without CXS priority assistance.

(4) *End use.* No such application will be granted unless it is shown that the ultimate or end use of the material will be meritorious.

(5) *Validity period.* Licenses issued under this paragraph shall be valid for a period of 6 months from the date of validation, unless otherwise stated on the license.

**NOTE:** Office of Domestic Commerce Order M-43 sets forth the circumstances under which United States tinplate may be used for nonfood uses abroad. Order M-43 was published in the FEDERAL REGISTER dated December 29, 1948 (13 F. R. 8611 et seq.). Copies of the order may be obtained from the Office of Domestic Commerce, Department of Commerce, upon request.

(f) *Unrated waste-waste tinplate strips, rings, and circles.* The following special provisions shall govern license applications and licenses to export waste-waste tinplate strips, rings, and circles, Schedule B Nos. 601300 and 604000:

(1) *Submission of applications.* Applications on the prescribed form, IT 419, may be submitted at any time during a calendar quarter.

(2) *No CXS priority assistance given.* Certified Export Steel (CXS) priority assistance will not be assigned to such applications.

(3) *Evidence of accepted order.* Applications must be accompanied by evidence of an accepted order, as provided in § 373.1 (b), covering the transaction between the applicant and the foreign buyer.

(4) *Evidence of availability.* All applications submitted by applicants who are not producers of tinplate must be accompanied by a commitment letter from the supplier stating that the material is available to the applicant and that the material is as specified in the license application. If the material is obtained from a source other than a mill the supplier's letter also must state through what channels it was acquired.

(5) *End use.* No such application will be granted unless it is shown that the ultimate or end use of the material will be meritorious.

(6) *Validity of license.* Licenses issued under this paragraph shall be valid for a period of 90 days from the date of validation, unless otherwise stated on the license.

(7) *Customs clearance.* In addition to presentation of original licenses, as provided in § 379.1, to clear exportations of waste-waste tinplate strips, rings, or circles, an exporter must present to the collector of customs a photostatic or certified copy of an inspection report of a recognized commercial testing laboratory certifying that the material presented for export is as specified on the license. If the material is being exported by the producer, or is being supplied direct from a producer to the exporter, the producer's mill inspection report may be presented to the collector of customs in lieu of the commercial testing laboratory report.

(g) *Unrated tinplate, decorated, embossed, or otherwise advanced; lithographic misprints.* The following spe-

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cial provisions shall govern applications for licenses to export tinplate, decorated, embossed, or otherwise advanced, and lithographic misprints, Schedule B No. 604170;

(1) *Submission of applications.* Applications on the prescribed form, IT 419, may be submitted at any time.

(2) *Evidence of accepted order.* Applications must be accompanied by evidence of an accepted order, as provided in § 373.1 (b), covering the transaction between the applicant and the foreign buyer.

(3) *Evidence of availability.* All applications submitted by applicants who are not producers of tinplate must be accompanied by satisfactory evidence of availability of the tinplate to the applicant, such as a purchase invoice, warehouse receipt, or a letter from the supplier stating that the material will be available to the applicant for export without CXS priority assistance. This evidence must indicate the source of the tinplate, exact description of present condition of the tinplate, and that it has been offered for sale domestically without results and to whom it has been offered.

(4) *Customs clearance.* In addition to presentation of original licenses, as provided in § 379.1, to clear exportations of unrated tinplate, decorated, embossed, or otherwise advanced, and lithographic misprints, an exporter must present to the collector of customs a photostatic or certified copy of an inspection report of a recognized commercial testing laboratory certifying that the material presented for export is as specified on the license.

If the material is being exported by the producer, or is being supplied direct from a producer to the exporter, the producer's mill inspection report may be presented to the collector of customs in lieu of the commercial testing laboratory report.

(5) *Validity period.* Licenses issued under this paragraph shall be valid for a period of 90 days from the date of validation, unless otherwise stated on the license.

§ 373.5 [Deleted, effective April 22, 1949.]

§ 373.6 *Provisions concerning licenses for jute and jute products—(a) Evidence of consumption entry at U. S. customhouse.* Except as otherwise provided in paragraph (b) of this section, all applications for licenses to export jute bags, jute burlap and jute twill sacking must be accompanied by satisfactory evidence that a consumption entry has been made at a United States customhouse covering the particular material specified in the license application.

(b) *In-transit shipments.* Jute and jute products are excepted from the provisions of the general in-transit license GIT. License applications covering shipments of these commodities moving in transit through the United States to a foreign destination must be accompanied by documentary proof that such shipments are in fact in-transit shipments, and that the shipments have been charged to the jute quota of the country of destination and not to that of the United States. Such proof may consist

of (1) a photostatic copy of the consular invoice of the country of destination, or (2) a copy of the bill of lading from the shipper or any other official document showing the country of destination.

§ 373.7 *Historical basis of licensing for certain commodities—(a) General.* The historical basis of licensing is applicable to various commodities, including those set forth in this section. It is also known as the method of licensing on a consignor guide basis, i. e., in proportion to an exporter's past participation in exports of the commodity.

Typically, the procedure is to apportion the quota or allocation for licensing by setting aside a relatively small amount for reserves or contingencies. The remainder is set aside for licensing to traditional or historical exporters and to nontraditional exporters, including veterans. In general, licenses covering a major portion of the quota or allocation of a commodity made available for export under validated licenses are issued to traditional exporters.

To qualify as a traditional exporter, applicants must show that they made exportations in the past in their own name or behalf, i. e., during a base period established by the Office of International Trade. The base period statement need be filed only once and should be filed with the first application.

(b) *Petroleum and products—(1) Commodity list.* Applications for the following commodities will be considered for licensing under the historical basis of licensing:

Commodity	Schedule B No.
Blending agents, or antiknock compounds of petroleum origin	501400
Aviation motor fuel, 100 or over octane number	501610
Aviation motor fuel, under 100 octane number	501650
Automotive and other motor fuel and gasoline	501700
Kerosene	502700
Gas oil and distillate fuel oil	503000
Residual fuel oil	503100

(2) *Traditional exporters.* To qualify as a traditional exporter, an applicant must submit a base period statement showing the total exportations made on his own behalf during the base period of 12 months beginning July 1, 1946, of each commodity listed above to each destination for which application is submitted.

NOTE: Applicants for licenses to export the petroleum products listed in subparagraph (1) must indicate on the face of the application, Form IT 419, the port from which shipment will be made. Applications from which port of exit is omitted will not be processed but will be returned without action.

(c) *Storage batteries.* The Office of International Trade will license the limited quarterly export quota of automotive storage batteries (starting, lighting, and ignition), Schedule B No. 701300, in accordance with the following general policy:

(1) Seventy percent of the quota will be set aside for traditional exporters of automotive storage batteries. The licensing to traditional exporters of this set-aside will be on the basis of historical participation. An applicant may qualify as a traditional exporter by submitting

to the Office of International Trade export figures covering exportations made under his own name during 1941 with destinations involved. If the applicant exported batteries during years other than 1941 but was not active during that year, which was chosen as a base period, the export figures for the last year of activity may be substituted.

(2) Five percent of the quota will be set aside for applicants, other than traditional exporters or producers, who qualify under the Veterans Preference Plan.

(3) Twenty-five percent of the quota will be set aside for exporters and producers other than traditional exporters and producers, and for contingencies.

§ 373.8 *Special provisions for building materials—(a) Basis on which applications will be approved.* All building materials included on the Positive List with the processing code symbol BLDG will be licensed for export in accordance with the licensing policy set forth in § 373.1 and the special provisions of paragraph (b) of this section.

(b) *Time for submission of applications.* Applications for licenses to export certain building materials must be submitted in accordance with the time schedule set forth in § 372.9.

NOTE: Because of the increased price of steel products, holders of valid export licenses validated prior to September 30, 1948, covering the following described commodities need not return such licenses to the Office of International Trade for a price amendment, provided the proposed increase over the unit value and/or total price shown on the license does not exceed 10 percent. Collectors of customs have been advised that shipments against such licenses may be cleared for export without an amendment by the Office of International Trade in such cases where the increase in unit value and/or total price shown on the shipper's export declaration does not exceed that shown on the export license by more than 10 percent. However, this 10 percent increase may not be applied to those licenses which have been amended previously by the Office of International Trade to permit a price increase.

Commodity	Schedule B No.
Cast-iron soil pipe	606805
Cast-iron soil pipe fittings	606898
Rigid metal conduit, iron and steel	709419
Rigid metal conduit, other than iron and steel	709420
Rigid metal conduit outlet and switchboxes	709490

§ 373.9 *Special provisions for diamonds—(a) Definitions.* The commodities covered by this section are more particularly described and defined as follows:

(1) *Loose diamonds.* "Loose diamonds (except cut gem diamonds)" are any diamonds not set in any other material.

(i) "Industrial diamonds" are industrial-purpose diamonds in any form, unmounted, including ballas, carbonados, crushing bort, other uncrushed diamonds and diamond fragments, and diamond dust or powder.

(ii) "Cuttal diamonds" are diamonds suitable for cutting into gems and not reserved for industrial use.

(2) *Tools incorporating diamonds.* "Tools incorporating diamonds" are any tools or industrial devices, including

metal slugs, which contain diamonds. "Tools incorporating diamonds" specifically include any machine containing as an integral part thereof a tool or device incorporating diamonds. A validated license is required for the export of such machines to any foreign destination except Canada.

(3) Machines containing as an integral part thereof a tool or device incorporating diamonds.

(b) *Basis of licensing.* License applications will be approved in accordance with the general licensing policy set forth in § 373.1.

(c) *Application requirements—(1) Schedule B classifications.* Separate license applications (Form IT 419) must be submitted for each Schedule B classification of loose diamonds and tools and devices incorporating diamonds and must contain a complete description of each named commodity or commodities, including any customary trade subclassifications.

(2) *Loose diamonds.* Loose diamonds, industrial and cuttable, must be listed on the application by one of the following methods.

(i) Separately, giving trade description and the respective carat weight and value of each diamond listed.

(ii) In groups by packets, giving the number of diamonds, the total carat weight, total value, and average value per carat for each group.

(iii) By quantity (as in the case of small sizes, sand, powder, etc.), giving total carat weight, total value, and average value per carat.

(3) *Tools incorporating industrial diamonds.* (i) Tools, tool parts, or devices (including metal slugs) must be listed separately on the application, or by groups of identical tools, giving the name and type of tool and the approximate carat weight of diamonds and/or diamond powder or dust contained therein.

(ii) Diamond dies must be listed as unmounted or encased, and the size of hole, carat weight, and the unit value per die must be given.

(4) *Machines.* When a tool or device incorporating diamonds is to be shipped as an integral part of a machine, the machine may be listed together with tools and devices incorporating diamonds in a single license application. However, when the tools or devices incorporating diamonds are not an integral part of the machine but shipped as spares or extras, separate license applications must be submitted.

**NOTE:** The term "machine containing as an integral part thereof a tool or device incorporating diamonds" does not include the following commodities, since the tools or devices incorporating diamonds that are used with the following commodities are readily detachable and not integral parts. Therefore, diamond drill bits or any other tool or device incorporating diamonds may not be listed on the same license application with the following commodities:

#### Schedule

##### B No. Commodity description

731100	Rock drills and augers, pneumatic
733910	Other mining and quarry machinery
734240	Oil- and gas-well drilling equipment, tools, and parts

A validated license must be obtained prior to exportation of any tool or device incorporating diamonds, whether such tool or device accompanies the shipment of other commodities or not.

(5) *End use.* The application must also include a detailed statement regarding the end use of the commodity.

(d) *Export clearance of loose diamonds.* Every shipment of loose diamonds in any form (except cut gem diamonds), not including tools incorporating diamonds, irrespective of the means of exportation, must be inspected by the collector of customs at New York.

The collector will compare the contents of the shipment with the description on the export license. If the contents and description on the license agree, the shipment will be sealed and shipped under customs supervision.

If the contents of the shipment do not agree with the description set forth on the export license, the collector of customs will refuse clearance of shipment for export and will return the export license to the Office of International Trade with a statement of his findings.

Post offices will not accept packages containing such commodities for mailing to a foreign destination unless the unbroken seal of the New York collector of customs appears on each package.

(e) *Return of loose industrial diamonds and diamond dust, or powder without license.* Notwithstanding the foregoing provisions of this section (which relate only to diamond exports which require a license), the provisions of § 371.9 (c) (which relate to exceptions from the general license GIT for in-transit shipments), and the provisions of § 370.10 (which permit certain exports from foreign trade zones without license), any person in the United States to whom loose industrial diamonds, Schedule B No. 599005, or diamond dust or powder, Schedule B No. 540910, are consigned by a foreign supplier, with the privilege of selection and purchase or return, may return to such foreign supplier such of those diamonds or such dust or powder as are not selected for purchase, without securing an export license therefor, provided the following procedure and conditions are observed:

(1) *Deposit in New York Foreign Trade Zone.* The entire consignment to such person from his foreign supplier, upon arrival in the United States and prior to opening or inspection, must be taken directly from Customs custody into the New York Foreign Trade Zone and must be continuously kept there while inspection and selection are made and, with respect to those diamonds or such dust or powder not selected for purchase and to be returned to the foreign supplier, until released for immediate exportation to the foreign supplier.

(2) *Examination by Bureau of Federal Supply.* The Bureau of Federal Supply, Treasury Department, must be given an opportunity to examine and purchase the diamonds or dust or powder proposed to be returned and, after having purchased any which it desires to purchase, must furnish to the New York Foreign Trade Zone Operators, Inc., its certificate, in duplicate, to the effect that it has

been afforded such opportunity and that, with respect to those diamonds or such dust or powder remaining for return to the foreign supplier (which must be sufficiently identified by lot number, quantity, weight, description, etc.), it has elected not to purchase them.

(3) *Certificates required for release from Zone.* The New York Foreign Trade Zone Operators, Inc., shall not release the diamonds or dust or powder from the Zone unless and until the above-mentioned certificate has been furnished, and, at the time of such release, there shall be attached to the original thereof a duly executed Certificate of Constructive Transfer, Zone Form C, Revised (i. e., the official document by which commodities are released from the Zone). Both certificates will be delivered to the proposed exporter.

(4) *Export clearance.* No collector of customs shall authenticate any declaration for the export of loose industrial diamonds or diamond dust or powder pursuant to this procedure unless the certificate of the Bureau of Federal Supply and the attached Certificate of Constructive Transfer, Zone Form C, Revised, provided for above, shall accompany the declaration filed with the collector.

§ 373.10 *Special provisions for calf and kip skins.* Calf and kip skins, Schedule B Nos. 020602, 020604, 020702, and 020704, will be licensed for export against export quotas for the fourth calendar quarter, 1948, and subsequent calendar quarters in accordance with the licensing policy set forth in § 373.1 and the following special provisions:

(a) *Export quota.* Beginning with the fourth calendar quarter, 1948, a portion of the quarterly export quota will be allotted for licensing in each of the three months in the quarter.

(b) *Time for submission of applications.* Applications to export calf and kip skins must be submitted in accordance with the time schedule set forth in § 372.9.

(c) *Validity period.* Export licenses for calf and kip skins will generally be issued for a validity period of six months, unless otherwise stated.

§ 373.11 *Special provisions for nitrogenous fertilizer materials on which preference assistance is requested—(a) Requests for authority to use CXN symbol.* Applicants for preference assistance CXN on purchase orders for nitrogenous fertilizer materials for export shall request this authority at the time the export license application is submitted by stating in item 9 (c) of Form IT 419 that CXN assistance is requested.

(b) *Authorization to use CXN symbol.* If the request for priority assistance is granted, the applicant will be authorized in writing by the Office of International Trade, Department of Commerce, to use the symbol CXN on purchase orders.

§ 373.12 *Special provisions for chemicals and medicinals—(a) Information on application.* All applications for license to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may

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be necessary to identify the commodity accurately, and must state fully how the shipment will be packed. Applications covering the following commodities, in any form, conversion, or derivative, or contained in any preparation, must state the net quantity of such commodity, or its equivalent in appropriate units, as follows:

Commodity	Units
Insulin	Standard units.
Quinine	Grams, ounces, or pounds equivalent of quinine sulfate.

(b) *Lead chemicals.* All applications for licenses to export chemicals containing lead must include a statement of the lead content of all such chemicals.

(c) *Coal-tar colors, dyes, stains, and color lakes.* All applications for licenses to export coal-tar colors, dyes, stains, and color lakes classified under Schedule B Nos. 805901, 805903, 805905, and 805909 must state the trade name and the color index number of each such commodity. If there is no color index number, the basic organic raw materials in the dye must be specified.

§ 373.13 *Special provisions for certain metals*—(a) *Containing antimony, bismuth, cadmium, lead, or tin.* All applications for licenses to export any ferrous or nonferrous commodities (except all ores, concentrates, smelter and refinery residues, and unrefined products covered by § 373.14) listed under iron, iron and steel, ferro-alloys, and nonferrous metals on the Positive List of Commodities (Part 399), except chemicals and refractories, if containing any of the elements listed below must include a statement of weights in pounds, if amounting to 10 or more pounds of each element or if present in percentages in excess of the minimum indicated:

15 percent or more: lead.

10 percent or more: bismuth.

5 percent or more: antimony, cadmium, tin.

(b) *Containing radium.* All applications for licenses to export any of the above ferrous or nonferrous commodities containing radium must include a statement of the weight in grams of such radium regardless of amount.

(c) *Containing copper.* All applications for licenses to export any of the commodities listed below must include a statement of the weight in pounds of the copper contained in any such commodity:

Commodity	Schedule B. No.
Copper matte, unrefined copper as blister, converter copper, anodes	640100
Rubber-covered wire	709810
Weatherproof wire	709830
Other insulated copper wire	709850
Copper alloys, except brass, bronze, nickel, or gold	664998

§ 373.14 *Special provisions for certain ores, concentrates, smelter and refinery residues, unrefined products*—(a) *Containing antimony, bismuth, cadmium, lead or tin.* All applications for licenses to export ores, concentrates, smelter and refinery residues or unrefined products included on the Positive List of Commodities under iron, iron and steel, ferro-alloys, and nonferrous metals, except

chemicals and refractories, containing any of the elements listed below must include a statement of the weight in pounds, if amounting to 10 or more pounds, of each such element:

Antimony.	Lead.
Bismuth.	Tin.
Cadmium.	

(b) *Containing radium.* All applications for licenses to export any of the above-named ores, concentrates, smelter and refinery residues, or unrefined products containing radium must include a statement of the weight in grams of such radium regardless of the amount.

§ 373.15 *Special provisions for certain petroleum products*—(a) *Blending agents, motor fuel, kerosene.* All applications for licenses to export the following commodities must include the name of the port from which shipment will be made.

Commodity	Schedule B. No.
Blending agents or antiknock compounds of petroleum origin	501400
Aviation motor fuel, 100 or over octane number	501610
Aviation motor fuel, under 100 octane number	501650
Other motor fuel and gasoline	501700
Kerosene	502700
Gas oil and distillate fuel oil	503000
Residual fuel oil	503100

(b) *Lubricating oils and grease.* Applications to export lubricating oils (Schedule B Nos. 503300, 503400, 503510, 503520, 503800, 503950, 504001, 504003, 504020, and 504090) must, in item 9 (c) of Form IT 419, set forth a complete description of the lubricating oils, including the Saybolt viscosity at 130° F. or 210° F.; pour point; flash point; and any other descriptive information which will enable the Office of International Trade to make an exact identification of the commodity for which an export license is requested. The quality (high, medium, or low) of the lubricating oil must be stated.

Applications to export lubricating grease, Schedule B No. 504100, must, in item 9 (c) of Form IT 419, set forth the quality (high, medium, or low) of the grease.

Applications to export lubricating oils and grease described above must set forth detailed information regarding the proposed end use. The applicant should identify the end use by the particular industry or government activity (e.g., railroads, marine, motor transportation, and other public utility, agricultural machinery, mining, etc.) and, where possible, by specific function (e.g., aviation motors, motor cars, trucks and tractors, Diesel engines, transformers, compressors, open bearings, etc.).

Applications which do not contain sufficient detailed information for an exact identification of the commodities involved and complete information regarding the end use will not be considered but will be returned to the applicant without action.

§ 373.16 *Special provisions for X-ray film.* All license applications to export X-ray film, Schedule B No. 912610, must include the following information (on Form IT 419):

(a) In answer to item 9 (b) the quantity (total sensitized surface to be exported) must be set forth in square feet;

(b) In answer to item 9 (c) the commodity description must include the type and brand name and size of film;

(c) In answer to item 10 complete information as to end use must be stated;

(d) In answer to item 11 the name of the manufacturer must be shown unless the applicant is the producer.

Applications which do not contain the information set forth above will not be processed by the Office of International Trade but will be returned to the applicant without action.

§ 373.17 *Special provisions for silicon steel sheets.* All license applications to export silicon steel sheets (commonly called electrical sheets), Schedule B No. 603595, must, in item 9 (c) of Form IT 419, set forth a complete description of the sheets to be exported. The specifications appearing on license applications must agree with those on supporting documents. The description on the license applications must include: specific grades such as armature, electric, dynamo or transformer; core loss for each grade and gauge, expressed in watts per pound at a flux density of 10,000 gausses and at 60 cycles per second. If the core loss appears on the customer's order in metric units or at a flux density of 15,000 gausses, or at 50 cycles, it should be converted and shown in terms of watts per pound at a flux density of 10,000 gausses and at 60 cycles per second.

§ 373.18 *Special provisions for manila or sisal fibers.* (a) All applications to export any manila or sisal raw fibers, Schedule B Nos. 320515 and 320519, must include a statement of the grades of fiber sought to be exported.

(b) All shipper's export declarations covering exportations of manila or sisal raw fibers must include a statement of the grades of fiber to be exported. This description must correspond with the description on the license.

§ 373.19 *Special provisions for machinery and parts.* All license applications to export machinery, including replacement and repair parts, with the processing codes GIEQ, TRAN, CONS, TOOL, and ELME must include the following information:

(a) A copy or abstract of that part of the contract of sale or sales specification describing the commodity for which the export license is requested. Where there is no contract of sale, or where the contract of sale does not completely describe the commodity, a complete description must be furnished showing, for example, type, trade name, trade symbol, model number, serial number, capacity, type and horsepower of drive, operating pressure and temperature, composition of special metals;

(b) Where reference to a manufacturer's catalog or bulletin is essential to full identification, a copy must be furnished if not previously filed;

(c) With respect to replacement parts, applications must state the range of or specific sizes and types of the units of equipment for which the parts are required, the dollar value and quantity.

A detailed list of the parts is not required;

(d) The ECA authorization number, where known, if machinery or parts have been purchased under Economic Cooperation Administration authorization.

**§ 373.20 Special provisions for voluntary steel allocation plan for ECA countries—(a) List of commodities.** The commodities described in this paragraph and classified under the corresponding Schedule B numbers will be licensed for export under the procedure set forth in this section to countries participating in the Economic Cooperation Administration program.

Commodity	Schedule B No.
Plates	603120, 603130, 603170, 603180.
Sheets (galvanized)	603390, 603490.
Sheets (hot- and cold-rolled).	603520, 603530, 603600, 603570, 603580.
Sheets (electrical)	603595.
Strip (hot-rolled)	603810.
Strip (cold-rolled)	603710.

**NOTE:** Individual country allocations, by month and end use, will be established by the Secretary of Commerce and announced.

**(b) Procedure for submission of export license applications and authorization requests.** (1) Except for May and June 1949 deliveries, authorizations will be issued on the basis of requests filed by exporters (producer or merchant). Exporters who wish to request authorizations shall file with the Office of International Trade the following documents:

(i) An export license application (Form IT 419) in duplicate.  
(ii) A request by letter, in duplicate, for written authorization for "certified orders" for steel products within the allocation for any ECA country under the Voluntary Steel Allocation Plan.<sup>1</sup> The letter should contain any information pertinent to the order for which the authorization has been requested and should give the ECA Procurement Authorization number, if any.

(2) In the event that the license application related to the requested authorization has been previously submitted, the OIT case number must be indicated in the request for authorization. The OIT license number should also be given if the license has been granted.

(3) If the application for authorization is approved, the Office of Industry Cooperation, Department of Commerce, will issue the authorization indicating that the subject request falls within the Plan. This authorization will be granted at the time of the issuance of the export license (unless the license has already been issued) and therefore only when the application for export license conforms to the license requirements of the Office of International Trade. The recommendations of the foreign governments as to the end use of the material and the ultimate consignee will be given consideration in the issuance of the authorization.

**(c) Exceptions from other provisions.** Applications for export license submitted under this section are excepted from the requirements of the following sections:

(1) Time schedules for submission of applications, as set forth in § 372.9.

**Note:** Except for May and June 1949 deliveries, authorizations must ordinarily be placed with the participating producers 60 days prior to the beginning of the month in which delivery is requested. Therefore, applications for export license should be submitted at least 75 days prior to this date.

With respect to May and June deliveries, as explained in paragraph 6 of the Secretary's Supplementary Instructions, a special procedure will be used for issuing authorizations. Under this procedure, the authorizations will be issued on the basis of orders already on the producers' books. However, if an exporter is able to negotiate with any participating steel producer for the acceptance of orders for May or June deliveries under the Plan, in addition to those already booked by the producer, he should promptly submit a request for authorization in accordance with the procedure set forth in paragraph (b) of this section.

(2) Evidence of availability, set forth in § 373.2 (b).

(3) Amendment of consignee and change of country of destination, as set forth in § 373.2 (g). Such requests for amendment will be considered on their individual merits and should be accompanied by a complete written statement of the reasons therefor.

(4) Restrictions on the number of applications which may be submitted in any quarter, as set forth in § 373.3 (h).

**§ 373.21 Special provisions for woven-wire fencing, wire, and wire rods—(a) Woven-wire fencing.** When submitting license applications covering woven-wire fencing, Schedule B No. 608500, for consideration against second quarter, 1949 quotas, the applicant must have an accepted order given or reconfirmed by the consignee subsequent to April 11, 1949. The following statement, with the inapplicable portion thereof stricken out, must be placed after the certification as to accepted orders required by § 373.1 (b):

The order referred to in the certification above was in fact (received by the applicant) (reconfirmed) subsequent to April 11, 1949.

**(b) Wire and wire rods.** When submitting license applications covering wire rods and wire commodities on the Positive List classified under Schedule B numbers 602900, 608100, and 608200, for consideration against second quarter, 1949 quotas, the applicant must have an accepted order given or reconfirmed on or after April 25, 1949. The following statement, with the inapplicable portion thereof stricken out, must be placed after the certification as to accepted orders required by § 373.1 (b):

The order referred to in the certification above was in fact (received by the applicant) (reconfirmed) subsequent to April 24, 1949.

**§ 373.22 Special provisions for tin mill black plate rejects, and cold-rolled carbon steel sheets, rejects.** When clearing shipments of tin mill black plate rejects, wasters and waste-wasters, and cold-rolled carbon steel sheets, rejects, Schedule B No. 603530, for export under general license GO to Group O countries, the exporter must at the time of export clearance present to the collector of customs an inspection report as provided in § 371.7 (c).

**§ 373.23 Special provisions for exports of rice to Cuba—(a) Submission of applications.** All application for licenses to export rice to Cuba must be accompanied by the following documents and information:

(1) A copy of an irrevocable letter of credit or a copy of a domestic bank's advice of an irrevocable letter of credit opened for the account of the purchaser or ultimate consignee. Such copy must be officially signed by the issuing or advising bank. A photostatic copy of the original irrevocable letter of credit or original advice of irrevocable letter of credit will be accepted in lieu of the official signed copy.

(2) A statement from the applicant certifying the amount of the unused balance of the letter of credit, after deducting the amounts which have been applied against other licenses.

(3) A certification that the applicant holds accepted orders for the rice involved, as required by § 373.1 (b).

(b) **Quantity of license.** Quantities of rice licensed to an individual firm or exporter will not generally be restricted except as determined by the letter of credit.

(c) **Validity period.** Licenses to export rice to Cuba will be issued for a 60-day validity period.

**§ 373.24 Special provisions for deformed and twisted concrete reinforcement bars and barbed wire.** When submitting license applications covering concrete reinforcement bars (deformed and twisted only), Schedule B No. 602200, and barbed wire, Schedule B No. 608300, for consideration against third quarter, 1949, quotas, the applicant must have an accepted order given or reconfirmed on or after May 20, 1949. The following statement (with the inapplicable portion thereof stricken out) must be placed on such applications after the certification as to accepted orders required by § 373.1 (b):

The order referred to in the certification above was in fact (received by the applicant) (reconfirmed) subsequent to May 19, 1949.

#### PART 374—SP (SPECIAL) LICENSES

Sec.

374.1 SP (Special) licenses.

374.2 Application requirements.

374.3 Filing of quarterly requirements statements by licensees.

374.4 Amendments to licenses.

374.5 Extension of validity period.

374.6 Export clearance.

374.7 Other applicable provisions.

**AUTHORITY:** §§ 374.1 to 374.7 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

**§ 374.1 SP (Special) licenses—(a) General.** Under the provisions of this part there is established a procedure for the exportation of commodities required for a specific project or program. Pursuant to this procedure application may be made for an SP (Special) license which, if issued, can be used to effect export clearance of commodities requiring validated license to export and which are described in SP (Special) License Application Materials Requirements Lists (Form IT 375) approved by the Office of

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International Trade for the project or program.

(1) A project is a new foreign enterprise, or the expansion of an existing foreign enterprise, for which commodities are required; in other words, a capital expenditure.

(2) A program is the maintenance, repair, operation (MRO), and production requirements of commodities for a foreign enterprise.

An SP license may cover the total requirements for a project or the requirements of a program for 1 year.

(b) *Bases for issuance of licenses.* Applications for SP (Special) licenses will be granted only for commodities not intended for resale, and where justified under one or more of the following considerations save for exceptional circumstances:

(i) The license application covers a project which contributes to the attainment of the policy objectives of the United States Government;

(ii) The proposed exportation will further the production abroad of critical commodities needed for United States domestic consumption or reconversion, or for essential consumption in foreign countries;

(iii) The license application covers construction or operation of facilities necessary to the minimum essential civilian economy of the country of destination; or

(iv) The license application covers a project which will lead to increased international trade with the United States in the future.

**§ 374.2 Application requirements—**

(a) *Application form and materials list.* Applications for SP (Special) licenses for projects or programs shall be submitted on Form IT 419, in duplicate, and must be accompanied by Form IT 375 (SP (Special) License Application Material Requirements List), in duplicate, and the additional statements and documents described below in this section.

(b) *Preparation of application form.* In preparing the application, Form IT 419, the applicant shall enter:

(1) Under item 9 (c) (the commodity description column), the following legend:

Articles and materials set forth on the attached Form IT 375, which constitute the total known requirements for (insert name of project or program) for the year beginning (Insert date, beginning with a calendar quarter). The materials exported will be used only in accordance with the approval granted.

(2) Under item 9 (d) (the value column), the total or aggregate dollar value of the commodities to be exported.

(c) *Form IT 375.* A copy of Form IT 375 must accompany each copy of application Form IT 419 and should be attached thereto. In addition to furnishing all the other information requested on Form IT 375, the applicant must list thereon an estimate of the quantity of each commodity required (except coal, coke and coke products). Such estimates must cover (1) the total requirements thereof, in the case of projects; and (2) the requirements for the opera-

tion of the facility for a full 12-month period, in the case of programs.

Commodities which do not require a validated license to export should not be listed on Form IT 375.

(d) *Authorizations required by other Government agencies.* The applicant must also submit with the application any special authorization forms which may be required by other agencies of the United States Government as to the commodities or matters covered by the application.

(e) *Letter of explanation.* A letter should be submitted with the application giving full details as to urgency of need of the commodities and as to the nature of the operation for which they are required.

(f) *Quarterly programming requirements.* In order to schedule requirements by calendar quarters, the following information also must accompany each application:

(1) *Requirements for next calendar quarter.* A statement of firm requirements for the next calendar quarter. This statement should be submitted on Form IT 375, in duplicate, separate forms being used (i) for commodities included on the Positive List of Commodities (§ 399.1) and (ii) for commodities not on the Positive List which require a validated license. A separate Form IT 375, in duplicate, must be submitted for each group of commodities classified under a single processing code. Commodities having different processing codes may not be included on the same Form IT 375.

(2) *Requirements for succeeding calendar quarter.* As to commodities included on the Positive List, a statement of estimated requirements thereof for the calendar quarter immediately following the calendar quarter covered by the statement provided for in subparagraph (1) of this paragraph. This statement should be submitted on Form IT 375, in duplicate. All Positive List commodities, regardless of processing codes, may be submitted on the same form.

(3) *Estimated date of availability.* A statement of the estimated date on which each category of commodities referred to in subparagraphs (1) and (2) of this paragraph will become available to the applicant.

**NOTE:** This information is required in addition to a statement of a year's requirements, in the case of programs, and total requirements, in the case of projects, set forth in § 374.2 (c).

**§ 374.3 Filing of quarterly requirements statements by licensees.** Holders of outstanding licenses must submit quarterly, not later than 30 days prior to the beginning of a new calendar quarter, the statements of quarterly requirements as provided in § 374.2 (f).

**§ 374.4 Amendments to licenses—(a) Conditions under which amendments will be made.** Subject to the provisions of § 374.1 (b) and of the other provisions of this section, amendments to SP (Special) licenses may be granted to provide for special requirements of commodities by reason of changes in specifications, omissions, or unforeseen contingencies arising from emergencies or break-downs.

(b) *Limitations on amendments.* (1) SP project license amendment applica-

tions are limited to three, totaling not more than 20 percent increase above the approved value of the initial project license.

(2) SP program license amendment applications for maintenance, repair, operating (MRO), and production requirements are limited to one a month but may include any quantities or value.

(c) *Exceptions.* Exceptions to the provisions of paragraph (b) of this section may be granted upon a clear showing of an emergency or special circumstance.

(d) *Information required on requests for amendments.* Applications for quantitative amendments of licenses must include the following:

(1) A supplementary materials requirements list (Form IT 375) in duplicate, showing in detail the additional necessary commodities;

(2) The statements of quarterly requirements as provided in § 374.2 (f), and

(3) A letter, in duplicate, setting forth a complete statement of the unforeseen contingencies and justifying the request for additional commodities.

**§ 374.5 Extension of validity period.** Extensions of the validity period of SP (Special) licenses will not be granted unless the extension is justified under the provisions of § 374.1 (b).

Requests for extension should be submitted by letter, in duplicate, and should set forth (a) the approximate percentage of completion of the project, (b) the approximate unshipped balances of commodities included on the Positive List which are covered by the license, and (c) the approximate date shipment will be completed.

If the request is granted a notification letter will be sent to the licensee for attachment to the license.

**§ 374.6 Export clearance—(a) Presentation of license.** When clearing shipments for export under any SP (Special) license, the licensee must present, upon demand of the collector of customs at the port of exit, either the original or a photostatic copy of the license.

(b) *Exportations by mail.* When making exportations by mail, the licensee shall include on the export declaration (Commerce Form 7525-V) a signed statement substantially as follows:

The commodities described in this export declaration are to be shipped to (destination), under special license number (SP —), and will be used by (name of consignee) for the development, construction, maintenance, repair and/or operation of the consignee's properties located at (destination).

In addition, the license number of the SP (Special) license must be endorsed on the wrapper of the parcel. The customs declaration (Form 2966) must be completed by the sender and the contents of the parcel as described in this form must agree with the description contained in the license.

**§ 374.7 Other applicable provisions.** Insofar as consistent with the provisions of this part, all of the provisions of Parts 370 to 399 shall equally apply to applications for and licenses issued under this part.

**PART 375—BLT (BLANKET) LICENSE**

Sec.  
 375.1 BLT (Blanket) license.  
 375.2 Commodities subject to procedure.  
 375.3 Application requirements.  
 375.4 Export clearance.  
 375.5 Validity period.  
 375.6 Other applicable provisions.

**AUTHORITY:** §§ 375.1 to 375.6 issued under Pub. Law 11, 81st Cong. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 375.1 *BLT (Blanket) license.* Under the provisions of this part there is established a procedure for the exportation of certain commodities included on the Positive List of Commodities (§ 399.1) and set forth in this part. Pursuant to this procedure application may be made for a BLT (Blanket) license which, if issued, authorizes exportation of the same commodity to two or more consignees in the same country of destination.

§ 375.2 *Commodities subject to procedure.* The following commodities are subject to the BLT (Blanket) license procedure:

Commodity	No.
Aluminum and aluminum-base alloy sheets, plates, and strips (0.006 inch and over)	630301
Metal window frames, window sash, and fabricated door frames	604900
Milk shipping containers	759300
Milk shipping cans	780200

In addition, all commodities with the following processing code symbols of the Office of International Trade that are included on the Positive List of Commodities:

MEAT	STEE (except surplus and CERL SEED)
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§ 375.3 *Application requirements—(a) Application form and consignee list.* Applications for BLT (Blanket) export licenses shall be submitted on Form IT 419, in duplicate, with acknowledgment card (Form IT 116) attached, and must be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each. This list shall be attached to and will become a part of the license, if issued. In preparing such list, applicants shall leave ample space between listings in order to provide collectors of customs with sufficient space for entering quantities shipped to each named consignee.

(b) *Orders.* With respect to this procedure, the applicant must hold accepted orders from each of the consignees listed in at least the quantity applied for.

Applications covering commodities subject to the procedure set forth in this part must be accompanied by the certification that accepted orders are held, as prescribed by § 373.1: *Provided,* That the certification regarding accepted orders covering the proposed shipment need not be submitted if the applicant holds accepted orders therefor from several consignees in the same country of destination for the same commodity and the total amount covered by each such order is not more than \$100 in value, or not more than twice the GLV dollar-

value limit of the commodity, whichever is higher.

Evidence of the accepted orders shall be kept available for inspection by the Department of Commerce for 3 years following the date of receipt of the license application.

(c) *Commodities which may be grouped on one application.* A separate application must be submitted for each commodity which it is proposed to export to the same country of destination except that (1) a single application may include all meat products included on the Positive List of Commodities and identified on such List by the Processing Code MEAT; and except that (2) all accepted orders which an applicant holds from consignees in the same country of destination for the same commodity which are not more than \$100 in value, or not more than twice the GLV dollar-value limit of the named commodity, whichever is higher, should be included in a single application.

(d) *Preparation of application.* In preparing an application the words "BLT License" should be written across the top thereof, and the applicant shall enter:

(1) Under item 7 (a) (the column normally used to list purchasers), "See attached list of consignees";

(2) Under item 9 (b) (the quantity column), the total quantity of material to be exported;

(3) Under item 9 (d) (the value column), the unit price and the aggregate value of the material to be exported. Any variation in price for different consignees must be explained.

(e) *Submission of applications.* BLT (Blanket) license applications may be submitted at any time: *Provided,* That if the commodities covered by the BLT license application are commodities for which individual license applications must be submitted during specified periods of each calendar quarter, the BLT license applications must be submitted within the periods specified.

§ 375.4 *Export clearance—(a) Presentation of license to customs.* When clearing shipments for export under any BLT (Blanket) license, the licensee must present the license to the collector of customs at the port of exit. The total amount shipped against such license shall not exceed the total quantity approved for export, and the total quantity shipped to a single consignee must not exceed the quantity specified for the respective consignee.

(b) *Shipper's export declaration.* A person exporting any commodity pursuant to a BLT (Blanket) license shall enter the symbol "BLT" and the number of the license on each shipper's export declaration filed with the collector of customs at the port of exit at the time of each exportation under each license.

§ 375.5 *Validity period.* BLT (Blanket) licenses will generally be issued for the same validity period as an individual license for the same commodity, unless otherwise stated on the face of the license.

§ 375.6 *Other applicable provisions.* Insofar as consistent with the provisions of this part, all of the provisions of Parts

370 to 399, inclusive, shall apply equally to applications for and licenses issued under this part.

**PART 376—MULTIPLE CONSIGNEE (MCL) LICENSES**

Sec.  
 376.1 Multiple consignee (MCL) license.  
 376.2 Application requirements.  
 376.3 Export clearance.  
 376.4 Validity period.  
 376.5 Other applicable provisions.

**AUTHORITY:** §§ 376.1 to 376.5 issued under Pub. Law 11, 81st Cong., E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 376.1 *Multiple consignee (MCL) license.* Under the provisions of this part there is established a procedure for the exportation to destinations in country Group R of commodities not included on the Positive List of Commodities. Pursuant to this procedure, application may be made for a multiple consignee (MCL) license, which, if issued, authorizes exportation of the same commodity to two or more consignees in the same country Group R destination.

**§ 376.2 Application requirements—**

(a) *Application form and consignee list.* Applications for multiple consignee (MCL) export licenses shall be submitted on Form IT 419, in duplicate, with acknowledgment card (Form IT 116) attached, and must be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each. This list shall be attached to and will become a part of the license, if issued. In preparing such list, ample space should be left between listings in order to provide collectors of customs with sufficient space for entering quantities shipped to each named consignee.

(b) *Orders.* With respect to this procedure the applicant must hold orders from each of the consignees listed in at least the quantity applied for.

(c) *Separate applications for each commodity.* A separate application must be submitted for each commodity which it is proposed to export to the same country Group R destination.

(d) *Preparation of application.* In preparing an application the applicant shall enter:

(1) Under item 7 (a) (the column normally used to list purchasers). "See attached list of consignees";

(2) Under item 9 (b) (the quantity column), the total quantity of material to be exported;

(3) Under item 9 (d) (the value column), the unit price and the aggregate value of the material to be exported.

(e) *Submission of application.* MCL license applications may be submitted at any time.

§ 376.3 *Export clearance.* When clearing shipments for export under any multiple consignee (MCL) license, the licensee must present the license to the collector of customs at the port of exit.

The total amount shipped against such license shall not exceed the total quantity approved for export, and the total quantity shipped to a single consignee

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must not exceed the quantity specified for the respective consignee.

**§ 376.4 Validity period.** Multiple consignee (MCL) licenses will generally be issued for a validity period of 6 months, unless otherwise stated on the face of the license.

**§ 376.5 Other applicable provisions.** Insofar as consistent with the provisions of this part, all of the provisions of Parts 370 to 399, inclusive, shall apply equally to applications for and licenses issued under this part.

#### PART 377—LICENSES FOR MULTIPLE SHIPMENTS OF GIFT PARCELS

Sec.

- 377.1 Multiple shipments of gift parcels.
- 377.2 Definition of "gift parcel."
- 377.3 Application requirements.
- 377.4 Shipments on non-Positive List commodities to group O destinations.
- 377.5 Other applicable provisions.

**AUTHORITY:** §§ 377.1 to 377.5 issued under Pub. Law 11, 81st Cong., E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

**§ 377.1 Multiple shipments of gift parcels—(a) General provisions.** There is hereby established a procedure whereby applications may be made for licenses to export multiple gift parcels, in a single shipment, through an intermediate consignee for delivery to individuals residing in a single foreign destination: *Provided*, the total weight of each individual parcel exceeds 44 pounds. This procedure is applicable only where the total value of the combined shipments exceeds the GLV dollar-value limits specified for both Positive List and non-Positive List commodities, but where the contents of each individual parcel do not exceed such specified limits.

**(b) Type of package.** With the exception of 100-pound sacks of flour, this procedure is limited to packages packed and addressed to the donee by the donor. The applicant, therefore, must certify on the application that it covers only this type of package as follows:

This application covers \_\_\_\_\_ (pre-packed parcels containing flour only; or home-packed parcels).<sup>1</sup>

**(c) Commodity limitations.** (1) Not more than 100 pounds of flour, 25 pounds of rice and 3 pounds combined total net weight of beef and beef products, veal and veal products, lamb and lamb products, and mutton and mutton products, may be included in an individual parcel.

(2) Each gift parcel must contain at least two different commodities, except in the case of gift shipments of flour or clothing, both of which may be sent unaccompanied by other commodities.

**§ 377.2 Definition of "gift parcel."** The term "gift parcel" as used in this part means a parcel containing commodities to be sent free of cost to the person ultimately receiving them and must be for the personal use of the addressee or his immediate family.

<sup>1</sup>Include in the certification that portion of bracketed description which is applicable to the proposed shipment.

**§ 377.3 Application requirements—(a) Commodities to be included on applications.** Applicants desiring to export multiple gift parcels under this procedure shall submit individual license applications covering all Positive List commodities, if shipment is to be made to a Country Group O destination, and all Positive List and non-Positive List commodities, if shipment is to be made to a Country Group R destination, in accordance with the procedure set forth below.

**(b) Supporting material with application.** Separate applications must be submitted for each country of destination to which multiple gift shipments are to be made and must be accompanied by either (1) copies of orders (or receipts issued to donors) covering the packages included in the proposed shipment or (2) a list, in duplicate, of the donor and donees, in the following manner:

**(i) If copies of orders are furnished.** (i) Each order must contain the names and complete residence addresses of the donor and donee, date of order, and commodities covered in the order, including quantity and price. The orders must be alphabetically arranged according to donor's surname and securely fastened together. The donors named must be residents of the United States.

**(ii) The following statement must be typed in item 9 of Form IT 419:**

This application consists of this form and \_\_\_\_\_ copies of donor orders to be shipped against this license.

**(2) If donor-donee list is appended.** (i) The list must contain the names and complete residence addresses of the donors and donees, alphabetically arranged according to donors' surnames, and must also show the date on which the donor placed the order for the gift parcel. All donors named therein must be residents of the United States.

**(ii) The following statement must be typed in item 9 of Form IT 419:**

This application consists of this form and the attached \_\_\_\_\_ page list of donors and donees whose orders are to be shipped under this license.

**(iii) Except for flour parcels, the contents must be listed opposite the name of the donor.**

**(iv) Applicants must have on file and keep for a period of 3 years from the date of receipt of the application copies of the orders or receipts from each donor named on the donor-donee list covering each parcel included in the shipment.** These records must be made available for inspection by representatives of the Office of International Trade upon request.

**(c) Information on license application.** License applications must be submitted on Form IT 419, in duplicate, accompanied by acknowledgment card, Form IT 116, and must include the following:

**(1) Under item 6 (a), the name of the applicant who is acting as forwarding agent;**

**(2) Under item 6 (b), the words "See attached list of donors";**

**(3) Under item 7 (a), the words "See attached list of donees";**

**(4) Under item 7 (b), the name of the intermediate consignee in the foreign country;**

**(5) Under item 9, a complete description of the proposed shipment including the following:**

**(i) The total number of gift parcels to be shipped;**

**(ii) The number and description of the shipping containers, i. e., bags, boxes, barrels, etc.;**

**(iii) The specific Schedule B numbers established for the commodities;**

**(iv) Total quantity in terms of Schedule B units, of each commodity; where unit of weight is not given, dollar value should be given;**

**(v) The processing code GIFT.**

**§ 377.4 Shipments of non-Positive List Commodities to Group O Destinations.** Non-Positive List commodities which are included in gift parcels to be shipped to a Group O country need not be listed on an export license application under this procedure.

**§ 377.5 Other applicable provisions.** Insofar as consistent with the provisions of this part, all of the provisions of Parts 370 to 399 shall apply equally to applications for and licenses issued under this part.

#### PART 378—CONSOLIDATED (CL) LICENSES

[Deleted, effective May 20, 1949.]

#### PART 379—EXPORT CLEARANCE

Sec.

- 379.1 Presentation for export.
- 379.2 Authenticated shipper's export declaration.
- 379.3 Shipper's export declaration; miscellaneous.

**AUTHORITY:** §§ 379.1 to 379.3 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

**§ 379.1 Presentation for export—(a) Commodities; use of license or other authorization for export shipments—(1) Requirements for presentation.** No commodities, the exportation of which is prohibited or curtailed pursuant to the export control law, shall be loaded or carried onto an exporting carrier for export by water or by air or presented to such an exporting carrier for loading or presented to the collector of customs for inspection and clearance for exportation until a license therefor, or such other export-control document or export authorization as may be provided for in Parts 370 to 399, inclusive, has been presented to the collector of customs at the port at which the commodity is to be so loaded, carried, or presented. No commodity shall be mailed for exportation until a license or such other export-control document or export authorization as may be provided for in Parts 370 to 399, inclusive, has been presented to the postmaster at the post office where the commodity is to be mailed. If the commodity is to be exported by any means of export other than by water, air, or mail, such license or other export-control document or export authorization as may be provided for in Parts 370 to 399, inclusive, need not be presented to the collector of

customs prior to loading, carrying onto, or presentation to the exporting carrier, but must be presented to the collector of customs at the port of exit from the United States prior to inspection by the customs inspectors or other export inspection officials at that port, and at all events prior to exportation. Upon specific authorization to a collector of customs or postmaster by the Department of Commerce, the presentation of a license may be waived.

(2) *Filing of validated license at time of first shipment.* Notwithstanding any other provision of Parts 370 to 399, inclusive, all validated licenses, except SP (Special) licenses, must be presented to and filed with the collector of customs or postmaster, as the case may be, when the first shipment on and after September 24, 1948 is cleared for exportation against that license.

(3) *Subsequent shipments from port where validated license filed.* If only a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the collector or postmaster, as the case may be, until complete shipment is made. On any subsequent shipments under that license from the same port, duly executed shipper's export declarations shall be presented, as provided in this section and § 379.2, for clearance of the shipment.

(4) *Clearance of subsequent shipments from other ports.* If part of the licensed shipment is to be made from another port, the licensee shall request the collector holding the license to transmit to the collector at the intended port of exit approval for the intended shipment. Upon granting the approval, the collector holding the license will endorse the license to record the facts as to the intended shipment. On any shipment made pursuant to such approval, duly executed shipper's export declarations shall be presented, as provided in this section and § 379.2, for clearance of the shipment. In case full or partial shipment is not to be made from such intended port (in accordance with such approval), the licensee or his agent may initiate action for the modification or deletion of the collector's endorsement of such intended shipment. Such action may be initiated in the following manner:

(i) If the license is still in the possession of the collector (whether or not the license would have been "completed" by the intended shipment), the licensee or his agent shall request the collector to whom the approval was sent to notify the collector holding the license to make an amendment of his previous endorsement of the intended shipment.

(ii) If the license has been returned by the collector to the Office of International Trade, an application for license may be submitted to the Office of International Trade covering the quantity not shipped, together with a letter requesting issuance of a new license for such quantity, explaining the facts, and identifying the collector to whom the approval was sent.

The procedure set forth above in this subparagraph (4) shall not be applicable to licenses which specify that shipment is authorized for clearance at a particular port of exit.

(5) *Signatures on licenses.* Export license documents, Form IT 628, presented to collectors of customs or postmasters must bear on the reverse side thereof the following signatures:

(i) At the top left, on the line reading "Signature of licensee," the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(ii) At the top right, on the line reading "Signature of person presenting license," the signature of an officer or employee of either the licensee or the forwarding agent who is authorized to sign and swear to the shipper's export declaration accompanying such licenses. This signature may be affixed in the presence of the collector or outside the customhouse, notwithstanding the instructions on the license.

(b) *Presentation of shipper's export declarations.* In every case, as provided above in paragraph (a) of this section, where a validated export license is required to be presented<sup>1</sup> to and filed with a collector of customs or postmaster, as the case may be, a duly executed shipper's export declaration (in the number of copies provided in paragraph (c) of this section) shall also be presented at the same time. In the case of shipments made pursuant to general license or pursuant to an unexpired validated export license on file with a collector of customs or postmaster, a duly executed declaration (in the number of copies provided in paragraph (c) of this section) shall be presented to the collector of customs or postmaster, as the case may be, at the same time and in the same manner as provided for in the first sentence of this paragraph (b).

Shipper's export declarations duly executed on Commerce Form 7525-V (revised November 1948) must be presented on and after January 1, 1949, where such type of declaration is applicable to the exportation.

(c) *Additional copies of shipper's export declaration.* For the purpose of export control, and in addition to the number of copies of shipper's export declarations required by the "Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States," issued by the Bureau of the Census, an additional copy of the declaration shall be presented to the collector of customs at the port of exit or to the postmaster at the place of mailing, except in the cases of shipments to Canada and between the United States and its territories and possessions. The Office of International Trade and the collector of customs also may require, for the purpose of export control, the presentation of other additional copies of the declaration.

(d) *Use of license symbols on shipper's export declaration or parcel.* The use by

any exporter of a license symbol or other designation, or both, on a shipper's export declaration or parcel when such marking is required by the provisions of Parts 370 to 399, inclusive, for the purpose of clearing an exportation under any general license or validated license, shall constitute a certification by the exporter that the terms, provisions and conditions of the license involved have been met.

*Note:* Collectors of customs will not authenticate shipper's export declarations for licensed exportations where an incomplete export license number is shown. When the number of a Form IT 628 export license is correctly entered on the shipper's export declaration in column (10), the one entry of the complete number satisfies the requirements for inserting the "export license number" and the "issuance date" of the license.

A separate entry is necessary to show the expiration date of the license on the shipper's export declaration form.

(e) *Authority of collectors and postmasters in clearing shipments.* Collectors of customs and other customs officials, as well as postmasters and other post office officials, are authorized to take appropriate action to assure observance of the provisions of parts 370 to 399, inclusive, and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data, at any time prior to departure of the exporting carrier.

Without limitation of the foregoing provisions of this paragraph, upon presentation of any validated export license or a shipper's export declaration in connection with a shipment under either a general or validated license for the purpose of effecting exportation, or at any time thereafter, the collector of customs or postmaster, as the case may be, may require the licensee or his forwarding agent to produce documents for inspection and copying and furnish other information bearing upon the particular exportation and the identity and relationships of all participants therein. These may include invoices, orders, letters of credit, inspection reports, packing lists, shipping documents and instructions, correspondence, as well as any other relevant information or documents.

§ 379.2 *Authenticated shipper's export declaration*—(a) *Procedure for authentication*—(1) *Authentication.* All copies of shipper's export declarations which are required to be presented to collectors of customs must be authenticated by the collector of customs at the port of exit. No collector shall authenticate a declaration unless he is satisfied, after comparing it with the applicable validated export license or general license, as the case may be, and with such other relevant information as he may have, that (i) exportation of the commodity or commodities described in such declaration is authorized under such license; (ii) that the statements in such declaration are identical in all respects with the contents of the validated export license, or the terms, provisions and conditions of the general license; and (iii) that the statements in such declaration are set forth in such manner as to permit all collectors of customs or other authorized officials

<sup>1</sup> Paragraph (b) of this section requires declarations to be presented to customs officials before the time that goods are first deposited on a dock or pier or other place of lading for loading onto an exporting carrier. This reflects an interpretation of the phrase contained in paragraph (a) in this section, "presented \*\*\* for loading," as meaning deposit on pier or dock for the purpose of loading onto an exporting carrier.

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or persons to whom the declaration may thereafter be exhibited or delivered in connection with the exportation to determine whether the said exportation complies with the contents of the validated export license, or the terms, provisions and conditions of the general license.

(2) *Information required on declaration.* No shipper's export declaration shall be authenticated by a collector of customs unless there are set forth in such declaration, and in all copies thereof required to be presented to the collector:

(i) The name and address of the exporter, who shall be the licensee named in a validated export license or entitled to export under a general license.

(ii) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(iii) All of the other data required to be shown on the declaration form.

**Note:** On an export declaration (Commerce Form 7525-V, revised November, 1948) covering exportations under a validated license, the answer to item 3 shall correspond to the corporation, partnership, or individual named in the answer to item 6 (a) of Form IT 419. However, the answer to item 3 of Form 7525-V may correspond to that given to item 8 of Form IT 419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States. In the absence of such identity, the export license does not cover the proposed exportation.

(3) *Forwarding agent as true agent.* Unless the exporter shall otherwise state in writing in the power of attorney set forth in the shipper's export declaration, or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee, filed with the collector of customs, the forwarding agent named by the exporter in said power of attorney or other form shall be deemed to be the true agent of the exporter for export control and customs purposes.

(4) *Definition of "forwarding agent."* For the purposes of §§ 379.1, and 379.2, a "forwarding agent" shall be a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities described in the declaration, such as preparing the declaration, attending to clearance of the shipment by submission of documents to the collector of customs or export-control officers, securing cargo space, or delivering the commodities to the exporting carrier, obtaining bills of lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents; but such "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

**Note:** See Explanatory Statement (Par. C—Carriers) following this section.

(5) *Signature on declaration.* The signature of the person making the declaration set forth on the shipper's export declaration form and taking the oath shown on said form (where oath is required) shall be that of the exporter or the forwarding agent named in the declaration, or a duly authorized officer or employee of either. The signature of

such person (whether oath is or is not required) and whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements made and all information set forth in such declaration, are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature shall constitute a like representation by the forwarding agent.

Additional copies of the shipper's export declaration or copies of the continuation sheet form for such declarations may be used where more space is required to prepare fully a shipper's export declaration (Form 7525-V). In all such cases, the declaration need be signed and the oath taken (where required) on only one shipper's export declaration form. The additional copies or sheets must be numbered in sequence and securely attached to the executed declaration form; and the following legend must be inserted between columns (9) and (15) on the executed declaration form: "This declaration consists of this sheet and \_\_\_\_\_ continuation sheets." No portion of any form attached as a continuation sheet shall be torn off or removed.

(6) *Statements on declaration.* In all cases where a shipper's export declaration is presented to a collector of customs or postmaster the exporter shall be deemed thereby to represent (i) that all statements made and information set forth in the declaration have been furnished by him or on his behalf for the purpose of effecting an exportation under the export regulations; (ii) that the exportation of the commodity or commodities described in such declaration is authorized under the general or validated export license therein identified; (iii) that the statements contained in such declaration are identical in all respects with the contents of the validated export license or the terms, provisions and conditions of the applicable general license; and (iv) that all of the other terms, provisions and conditions of Parts 370 to 399, inclusive, applicable to the exportation have been met.

(7) *Who may submit declaration for authentication.* No person shall submit to the collector of customs for authentication any shipper's export declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(8) *Rejection of declarations not complying with requirements.* Collectors of customs shall reject all shipper's export declarations which do not comply with the foregoing provisions of §§ 379.1 and 379.2.

(9) *Procedures for presentation of export declaration for authentication.* Any collector of customs may, with the prior approval of the Office of International Trade, institute and maintain any procedure for the presentation for authentication of shipper's export declarations, which shall provide in each case for the proper identification, and recording of the identity of the individuals who sign such declarations and who appear before the collector for such purpose.

Collectors of customs are specifically authorized to institute and maintain the following procedure for identification of persons submitting or presenting declarations to the collector:

An exporter (licensee) effecting exportations without the services of a forwarding agent shall make application for and obtain from the appropriate collector of customs an identification card, as herein described, for each of his officers or employees who submit or present shipper's export declarations or licenses. Where a forwarding agent is employed by an exporter the forwarding agent shall similarly apply for and obtain an identification card for each of his officers or employees who submit or present shipper's export declarations or licenses on behalf of an exporter. In addition, carriers, not otherwise acting as forwarding agents, who may, as provided in § 379.2 (a) (7), deliver executed declarations without specific authorization therefor, shall similarly apply for and obtain such identification cards. Applicants for identification cards shall be responsible for all shipper's export declarations executed and submitted in their names to collectors of customs through use of the identification card. Such card may be used only in the Customs district for which issued, by the person to whom issued, and is not transferable. Application must be made on Customs Form 3139, "Application for Identification Card of Authorized Forwarding Agent or Exporter" and the identification card to be issued shall be Customs Form 3141, "Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof."

In the case of exporters not regularly engaged in making exportations, collectors of customs may waive the identification card requirement where they are otherwise satisfied that the person submitting or presenting the shipper's export declaration is in fact the exporter (licensee) or is acting for and on behalf of such exporter.

Wherever the identification card procedure is instituted and maintained it shall supersede any existing requirement of the collector of customs for filing a form of power of attorney executed by an exporter or forwarding agent, as the case may be, authorizing his officers or employees to sign, swear to or submit declarations.

(10) *Changes, alterations, amendments of export declaration prior to authentication.* Collectors of customs shall not, except in case of hardship or emergency, authenticate any shipper's export declaration showing evidence of change, alteration, or amendment, but shall require clean copy. Where demonstrated cases of hardship or emergency exist in which collectors of customs find it desirable to make exception, collectors may approve on the face of the declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of exportation, or the actual Schedule B number

to which the commodity described in the declaration unambiguously refers; but nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the declaration.

(b) *Use of authenticated shipper's export declaration*—(1) *Use*. When duly authenticated by the collector of customs at the port of exit, a shipper's export declaration shall be deemed to be a document, issued pursuant to Parts 370 to 399, inclusive, evidencing the existence of a validated export license or permission for an exportation under an applicable general license; and such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for exportation or otherwise facilitating or effecting the exportation of a commodity or commodities requiring a validated or general export license under the regulations issued pursuant to the export-control law.

(2) *Changes, alterations, amendments of authenticated declarations*. No shipper's export declaration, used or intended to be used in connection with any exportation of any commodity or commodities requiring a validated or general export license, which shall have been authenticated by any collector of customs shall, at any time after such authentication, be changed, altered, or amended in any respect by any person without prior written authorization therefor set forth on such authenticated declaration by the said collector of customs: *Provided, however,* That where for any reason an exporting carrier designated in an authenticated declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, railroad, motor vehicle company or other person issuing bills of lading or similar documents of carriage for the carrier originally named if due and timely notice of such change is given to the collector of customs prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person. No change, alteration or amendment may be authorized in any authenticated export declaration which would have the effect of authorizing shipment after the validity period of the applicable validated or general export license has expired or which would otherwise vary the terms, provisions and conditions of such license.

(3) *Declarations showing unauthorized changes*. No person to whom any authenticated shipper's export declaration showing evidence of change, alteration, or amendment shall be exhibited for the purpose of facilitating any exportation, without the production of written authorization therefor by the collector of customs, shall take any action toward such facilitation, but shall promptly report the facts to the nearest collector of

customs and shall, where such authenticated declaration is in his or its possession, surrender same to such collector of customs.

(4) *Correction form*. Without prior approval of the collector, any item of information contained on an authenticated shipper's export declaration previously filed with the collector of customs can be corrected by noting such correction on the Correction Form (FT-7403). The Correction Form for shipper's export declarations (1) may be used to make corrections on an authenticated declaration in the possession of the collector of customs, and (2) must be used to make corrections on an authenticated declaration previously filed with and forwarded by the collector to the Bureau of the Census. The Correction Form (FT-7403), used as herein provided, must be executed by the exporter or his duly authorized forwarding agent and must be submitted to collectors in the same manner as provided with respect to shipper's export declarations.

(5) *Return of unused copies of authenticated declarations*. All copies of authenticated shipper's export declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the collector of customs making the authentication.

(6) *Limitation of effective period of declaration*. No shipper's export declaration shall be authenticated and no authenticated shipper's export declaration shall be used for the purpose of clearing for exportation, or otherwise facilitating or effecting, the exportation of a commodity or commodities requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the applicable general license.

**NOTE:** The validity period of an export license includes any extension provided by any saving clause or regulation. The above subparagraph makes no change in the provisions of § 380.3 (c).

(c) *Other applicable laws and regulations*. Nothing contained in §§ 379.1 and 379.2 shall relieve any person from complying with the applicable provisions of any other law of the United States and rules and regulations issued thereunder, governing shipper's export declarations and manifests.

#### EXPLANATORY STATEMENT

A. *Responsibility of licensee and agent*. Under the export-control regulations (Parts 370 through 399, as amended), the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. And this responsibility continues even when he acts through a freight forwarder or other forwarding agent. Experience in the administration of export controls indicated, however, that it was often difficult to establish that relationship as a matter of record and fix responsibility when violations occurred. This is the purpose of provisions incorporated in §§ 379.1 and 379.2 and the OIT form "Power of Attorney—Designation of Forwarding Agent."

B. *Power-of-attorney forms; purpose and use; alternatives*. The form, which was prepared for this purpose, is not mandatory but only suggested.

The regulations as above set forth, permit, alternatively to the power-of-attorney form, the use of any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such designation must, of course, clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority in this designation, as in the power of attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

C. *Carriers*. Specific reference to carriers has been made in § 379.2 dealing with the submission of the shipper's export declaration in order to make clear that carriers, not otherwise acting as forwarding agents, may deliver executed declarations without specific authorization therefor. The privilege of making certain specified insertions or corrections in the declaration prior to authentication is also extended to such carriers.

#### SUMMARY OF INTERPRETATIONS

##### *Applicability of §§ 379.1 and 379.2*

1. Q. Do the provisions, with respect to presentation of additional copies of shipper's export declarations, and with respect to procedure for authentication of declarations, filing of powers of attorney or other forms of designations of forwarding agent, and use of authenticated declarations, apply to Canada?

A. No, unless the particular exportation from the United States is destined for a third country, for which a license is required, and the shipment is via Canada.

2. Q. Do the above provisions apply to general license shipments?

A. Yes. General license shipments have always been subject to customs scrutiny and are covered by the regulations, along with shipments under validated license, in order to curb possible abuse of the general license privileges.

3. Q. Are the export-control regulations in §§ 379.1 and 379.2 applicable to exportations regulated by United States governmental agencies other than the Office of International Trade, such as the Atomic Energy Commission and the Department of State?

A. No.

4. Q. What is the effect of making the shipper's export declaration an "export-control document"?

A. A shipper's export declaration has always been an official document of the United States Government so that, for example, the penalties relating to making false statements on Government documents were always applicable to the use of that document. The only effect of the export-control regulations in this respect has been to bring shipper's export declarations under the export-control laws as well as under the laws of the United States relating to Government documents generally and shipper's export declarations in particular.

5. Q. Is the use of a power-of-attorney form herein referred to mandatory?

A. As now provided, it is only an optional form.

6. Q. May the exporter designate more than one forwarding agent?

A. Yes. It is not intended that the power of attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers of attorney or authorizations for any and all of the forwarding agents whom they employ.

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7. Q. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in this country), must the seller designate such forwarding agent as his agent for export control and customs purposes?

A. Exporters have in some such cases expressed reluctance in designating such forwarders as their agents, because they do not regularly deal with them, or because they may not wish thereby to disturb contractual relations with their own forwarders. It is assumed that the underlying problem here is the exporter's unwillingness to give any general authorization to such agent. It is, therefore, suggested that the form of designation on the shipper's export declaration be used which would limit the authority granted to the particular transaction involved. It should also be noted that in some such cases the solution to the problem may lie in having the agent for the foreign buyer apply for the license. (See statement following § 372.2 (a).)

### *Powers of Attorney*

8. Q. Must an exporter use the OIT form of power of attorney designating a forwarding agent, or may he give such authority by other and more limited powers of attorney?

A. The language of the OIT form of power of attorney is not mandatory. It is specifically provided that it may be made more restrictive by the exporter; likewise, an exporter may restrict the power of attorney set forth in the shipper's export declaration. Of course, no limitation may be made which would relieve the exporter from responsibility for carrying out the exportation authorized by the license which he holds.

9. Q. May the exporter vary the language of the acknowledgement set forth in the OIT forms of power of attorney?

A. Yes. The forms were drafted to permit use by exporters who are individuals, partnerships, corporations, associations, or quasi-governmental bodies. The acknowledgement forms may be modified to fit the legal status of the exporter.

10. Q. May exporters authorize forwarding agents to sign and swear to declarations and to present them to collectors of customs for authentication by executing the designation appearing on the face of the shipper's export declarations?

A. Yes. The exporter may execute the designation appearing on the shipper's export declaration, which is applicable only to the transaction referred to in the declaration. The power of attorney or other written authorization may be used where the same forwarding agent handles numerous shipments and it is impracticable to execute a specific designation on the declaration for each transaction.

### *Who Should Execute*

11. Q. Who is deemed to be a "duly authorized officer or employee" for the purpose of signing and swearing to shipper's export declarations?

A. There is and can be no fixed rule in this respect. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority. Assistant officers will, in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations will also be deemed to have authority to execute the designation appearing on the face of a declaration and to sign and swear to such declarations.

### *Proof of Authority*

12. Q. Under what circumstances must customs be furnished with supporting evi-

dence of authority of persons executing powers of attorney or other authorizations?

A. Customs may in any case require proof of the authority of any such person signing a power of attorney or other authorization. In general, however, Customs will require such proof only when there is some reason to doubt the authority of the person involved.

### *Miscellaneous*

13. Q. Must a forwarding agent have an office at the port of exportation or otherwise be known to the collector at such port?

A. No. A forwarding agent need not have an office at every port of exportation. If a forwarding agent signs and swears to a declaration which is intended for clearance of an exportation through a port where he has no office, he should furnish to the collector at such port his power of attorney or other authorization from the exporter. He should also furnish to the person who will arrange physically to present the declaration to the collector an authorization in writing for that purpose.

14. Q. May a forwarding agent who does not have an office at the port of exportation redelegate to another forwarding agent his authority to sign and swear to declarations and to present declarations for authentication at such port?

A. Yes; provided that the power of attorney or other authorization from the exporter permits such redelegation or there is presented to the collector written evidence of consent of the exporter to such redelegation.

15. Q. If a forwarding agent has a power of attorney or other authorization filed with a collector in one port, must he file additional original documents with collectors in other ports through which he may effect exportations?

A. No. It is only necessary to file the original documents in one port. Photostatic copies thereof, certified by the collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

16. Q. How should forwarding agents and exporters handle such matters as changes of weights, measurements, quantities, etc., which must frequently be made on declarations after authentication?

A. In general, the export-control regulations permit certain types of amendments and insertions to be made in declarations before and after authentication. A forwarding agent, however designated on the declaration or by separate document, may make such changes, unless specifically precluded from doing so by the exporter in his designation. Collectors of customs are empowered to permit such amendments upon written authorization therefor by the collectors set forth on such authenticated declaration. Collectors will exercise discretion to allow amendments of this character. Where the amendments have the effect of converting a declaration into one for a substantially different shipment, however, a new declaration will have to be prepared. Unless otherwise limited by the exporter, the power of attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute declarations reflecting such changes.

### *§ 379.3 Shipper's export declaration; miscellaneous—(a) Schedule B numbers.*

(1) No shipper's export declaration for shipments by vessel or other methods of transportation except rail and air which fails to show the new Department of Commerce Schedule B number shall be accepted by collectors of customs on or after January 1, 1949. In the case of air and rail shipments, collectors of customs shall not accept shipper's export declarations containing obsolete Sched-

ule B numbers unless it appears to the collector that the shipper's export declarations were duly filed with a carrier on or before December 31, 1948.

(2) Both the obsolete Schedule B numbers and the 1949 Schedule B numbers for the commodities involved shall be set forth on shipper's export declarations filed on or after January 1, 1949, covering shipments made against validated export licenses issued prior to January 1949 containing obsolete Schedule B numbers.

(b) *Certain commodity descriptions.*

A detailed description shall be set forth on the applicable shipper's export declaration for commodities falling within Department of Commerce Schedule B commodity basket classifications, in addition to all other data required to be shown on such declaration. As used herein, "basket classification" means those Schedule B commodity classifications in the 1949 edition of Schedule B, as amended, which call for the shipper to "specify by name," "specify by type," etc., the items included in the shipment under these commodity numbers. In those cases where there are a substantial number of items included in a single export shipment under one basket classification, exporters may set forth the detailed descriptions of only five of the items which represent the greatest proportion of the total dollar value under this single Schedule B basket classification. Separate dollar value, net quantity, and shipping weight information for individual items reported under one Schedule B basket classification are not required on the shipper's export declaration.

## PART 380—LICENSE CHANGES

Sec.	
380.1	Transfer of licenses.
380.2	Amendments or alterations of licenses.
380.2a	Licenses and amendments; failure to disclose prior detention of commodities by customs.
380.2b	Price amendments on pending license applications.
380.3	Expired, revoked, and unused licenses.
380.4	Duplicate licenses.

AUTHORITY: §§ 380.1 to 380.4 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 380.1 *Transfer of licenses*—(a) *Official authorization required.* Export licenses shall not be transferred except by prior written authorization of the Department of Commerce.

(b) *Information from transferor.* Transfer of export licenses may be effected only by amendment to the original license and only upon request of the licensee. Requests for transfers may be submitted to the Office of International Trade in Washington or to its New York office.

In requesting transfer of an outstanding license, the licensee must submit the original license and a signed request for the transfer. The request should be headed "Request for Transfer of Export License No. \_\_\_\_\_, Processing Code \_\_\_\_\_," and shall state:

(1) Name and address of proposed transferee.

(2) Whether any consideration has been or will be paid for the transfer.

(3) Reason why transfer is requested.

(c) *Information from transferee.* In addition, the request for transfer must be accompanied by a signed letter from the person to whom transfer is to be made, headed "Request for Transfer of License No. \_\_\_\_\_," and stating:

(1) That if transfer is approved, the transferee will assume all the transferor's responsibility to the Department of Commerce under the license and export regulations.

(2) Whether any consideration has been or will be paid for the transfer.

(3) That the transferee has an order from the foreign purchaser named on the license for the commodities described thereon.

(d) *When transfer may be granted.* A transfer of license may be granted in the following cases:

(1) Where the corporate or firm name of the licensee has been changed or the license is desired for use by a subsidiary corporation of the licensee.

(2) Where the entire or a substantial portion of the assets or business of the licensee has been sold or transferred.

(3) In exceptional cases, where there is proof that actual hardship will result to the holder of the license or to the purchaser in the foreign country if the request for transfer is disapproved.

Only one transfer of the same license will be approved.

**§ 380.2 Amendments or alterations of licenses—(a) Persons authorized to amend licenses.** No amendments or alterations of export licenses may be made except by the Department of Commerce or by collectors of customs or postmasters acting under specific instructions from the Department of Commerce.

**(b) Procedure in requesting amendments.** Requests for amendments to licenses may be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C., or with the Office of International Trade, 42 Broadway, New York 4, N. Y. Such requests shall be made by submitting the following:

(1) The license which is to be amended, if in the possession of the licensee: Provided, however, the license may be deposited with the collector of customs at the intended port of exit or with the nearest collector of customs.

(2) A letter, in duplicate, or a telegram setting forth the proposed amendment and reasons therefor. If the license is in the possession of a collector of customs, the letter shall also identify such collector, giving his address, and specify the port from which the proposed shipment is to be made.

**NOTE:** Telephonic requests for amendments will not be accepted.

**Licenses held by collector.** Where the export license is in the possession of a collector of customs and the request for amendment is granted by the Office of International Trade, the amendment will be made, in cases where the licensee indicates an emergency exists, by means of a teletype authorization sent directly to the collector

holding the license and a copy will be forwarded to the licensee. In cases where the licensee does not indicate an emergency exists, amendments will be made on Form IT 724, Advice of Amendment, copy of which will be mailed to the collector holding the license and a copy will be mailed to the licensee.

**Licenses sent to Office of International Trade.** If the license is forwarded to the Office of International Trade, the amendment, if granted, will be made in the following manner:

(1) Licenses validated on Form IT 419 will be converted to IT 628 licenses. The number of the old license will be typed on the face of the new license, and the old license will be voided.

(2) Licenses on Form IT 628 will be amended by issuance of a new license, except that the first extension of validity period will be made on the original IT 628 document. When a new license document is issued, the number of the old license will be typed on the new license, and the old license will be voided.

(c) *Price amendments—(1) Time for submission.* Request for amendment of a license to effect a change in price may be submitted at any time during the validity period of the license.

(2) *Necessary amendments to show price changes.* Export licenses must be amended to show any upward change in unit prices or total value on the license if the commodity covered by the license is at the time of export clearance subject to the general licensing policy set forth in § 373.1, except:

(i) Where the licensee avails himself of permissible weight and volume tolerances. In such cases, the total value for the commodity shown on the shipper's export declaration may exceed the total value shown on the license. However, the unit value shown on the license may not be increased.

(ii) Where price increases can be justified before the Collector of Customs on the basis of changes in point of delivery, port of exit, or as result of transportation costs, drayage, port charges, warehousing, etc.

(iii) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases the unit or total price need only conform with the price statement on the license.

(3) *Price changes for which amendments are not required.* Export licenses need not be amended to show changes in unit or total price under the following circumstances:

(i) Where the commodity covered by the license is not on the Positive List.

(ii) Where the commodity covered by the license is on the Positive List but at the time of export clearance is not subject to the general licensing policy set forth in § 373.1.

(iii) Where the change involves a reduction in price.

**Provided,** That when commodities are licensed in quantities determined only by the dollar value indicated on the license, the value shown on the shipper's export declaration shall not exceed the total value shown on the license. Shipments against such licenses will be charged in terms of dollars as shown on the shipper's export declarations.

**NOTE:** When commodities are licensed in quantities determined only by the dollar value indicated on the license, price increases, transportation and warehousing charges, etc., occurring between the date of validation of the license and the date of the export declaration may have the effect of reducing the physical quantity which may be exported.

**§ 380.2a Licenses and amendments; failure to disclose prior detention of commodities by customs.** Any exporter or his agent making application to the Office of International Trade for an export license or amendment, who shall know or have reasonable cause to believe that a collector of customs has detained commodities which would be exportable under such license, as issued or as amended, shall disclose to the Office of International Trade at the time of applying for such license or amendment the fact that the collector of customs has detained the commodities. Any license or amendment obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the license or amendment, and any license or amendment so obtained shall be void.

**§ 380.2b Price amendments on pending license applications.** Request for amendment of a pending license application to effect a change in price may be submitted at any time, except that if a time schedule for submission of the license application has been established, the request may be submitted only during such period. The amendment procedure set forth in § 380.2 shall be followed with respect to these requests. Letters or telegrams requesting amendment of prices shall also state the applicant's reference number, date of application, commodity, country of destination, OIT application number, if known, for the purpose of identifying the application, the revised price, and reasons for the price change.

**§ 380.3 Expired, revoked, and unused licenses—(a) Requests for renewal or extension of licenses.** Requests may be filed for renewal or extension of a license which expires before shipment has been made. Requests for extension of the validity period of licenses must be submitted in the same manner as provided in § 380.2 with respect to amendments; and notification of the filing of such request should be given to the collector, if any, with whom the license has been deposited. Requests for renewal of licenses should be filed prior to the expiration date of the license, and shall be accompanied by the expiring license, unless it has been filed with the appropriate collector of customs.

**NOTE:** Telephonic requests for renewal or extension of export licenses will not be accepted.

Where the export license is in the possession of a collector of customs and the request for renewal or extension is granted by the Office of International Trade, the renewal or extension will be made by means of a teletype authorization sent directly to the collector holding the license, and a copy will be forwarded to the licensee.

If the license is forwarded to the Office of International Trade, the extension, if granted, will be made in the same manner as

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other amendments (see note following § 380.2).

A collector holding an expiring license for which an application for extension has been filed in accordance with the foregoing provisions should be notified to this effect by the exporter sufficiently in advance of the expiration date. In such case the collector will hold the license for an additional 30 days, when he will return it to the Office of International Trade if during this period of grace the approved extension has not been received.

(b) *Return of revoked, expired, or unused licenses.* If the license is revoked or expires or if shipment is not to be made, the license shall be returned immediately to the Department of Commerce, with a covering letter explaining the reason for such return. If the license is not in his possession, the licensee shall so notify the Department of Commerce.

(c) *Shipments against expiring licenses.*—(1) *Commodities ready for loading or laden.* With the exception of coal and coke, commodities which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may clear with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities may be cleared for export without an extension of the validity period of the license, if in the judgment of the collector of customs undue hardship would otherwise result.

(2) *Coal and coke.* Licenses for the exportation of coal and coke may be used after the expiration date only when the vessel was on berth for the purpose of loading before the license expired.

(3) *Other shipments.* Licensed shipments not coming within one of the foregoing provisions may not be cleared for export except by extension of the validity period of the license by the Department of Commerce.

§ 380.4 *Duplicate licenses.* Where a license is lost or destroyed, a duplicate of such license may be obtained by the licensee in accordance with the following procedure:

(a) *Duplicate application.* An application identical in all respects to the former application as validated and marked "Duplicate" must be submitted.

(b) *Affidavit.* An affidavit must be attached to the new application stating:

- (1) That the original license has been lost or destroyed.
- (2) What commodities, if any, have been shipped under the original license.
- (3) That affiant agrees to return the original license to the Department of Commerce if it is found.

#### PART 381—ENFORCEMENT PROVISIONS

Sec.

381.1 Violations.

381.2 Revocation of licenses.

381.3 Export-control documents: Trafficking, advertising, misuse, and unauthorized amendments.

**AUTHORITY:** §§ 381.1 to 381.3 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 381.1 *Violations.*—(a) *General.* Violations, by any person, of the export-control law and any proclamation, order, rule, or regulation issued thereunder are punishable by a fine of not more than \$10,000 or by imprisonment for not more than one year, or both. Violations are also subject to administrative action of suspension, revocation, or denial of licenses and licensing privileges granted pursuant to the authority of the export-control law.

The submission of false or misleading statements is a violation hereunder punishable under the export-control law, and other applicable statutes. In addition, commodities attempted to be, or being, or intended to be, exported or shipped from or taken out of the United States in violation of the export-control law or any proclamation, order, rule, or regulation issued thereunder are subject to seizure.

With respect to licenses, the applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license.

(b) *Misrepresentations.*—(1) *General provisions.* All representations, statements, and certifications made by any licensee or any other person for the purpose of effecting or causing to be effected an exportation of any commodity or commodities from the United States shall be deemed to constitute representations, statements, and certifications made in respect of matters relating to the jurisdiction of the Office of International Trade and the Bureau of Customs under the statutes, proclamations, Executive orders, and regulations relating to export control and orders or licenses issued thereunder.

It shall be unlawful under Parts 370 to 399, inclusive, and the export-control law, in addition to the provisions of any other law, for any person knowingly to make or cause to be made any false representation, statement, or certification, or to falsify or conceal any material fact, for the purpose of effecting or causing to be effected an exportation of any commodity or commodities from the United States.

(2) *Persons liable.* Every person, whether or not situated in the United States, and whether or not the purchaser or ultimate consignee, who shall make any representation, whether directly to the Office of International Trade or any collector of customs or indirectly through any applicant for or holder of any export license, authenticated shipper's export declaration, or other export-control document, for the purpose of effecting or inducing the issuance, or maintenance in effect, of any export license, shipper's export declaration, or other export-control document, shall be subject to Parts 370 to 399, inclusive.

(3) *Types of misrepresentation.* Without limitation of the foregoing or of any other provisions of the law or Parts 370 to 399, inclusive, no such person shall:

(i) *Country of destination.* Falsely state the country of ultimate destination intended, or divert commodities in violation of the terms, provisions, and conditions of any export-control document to any country other than that of the destination named in the document, or attempt or conspire to do the same.

(ii) *Consignees.* Falsely describe the true ultimate consignee or purchaser to, or conceal his true identity from, the applicant or licensee, or from the Office of International Trade or any collector of customs.

(iii) *Orders.* Submit any order for the purchase or importation from the United States of any commodity, or state in writing any commitment to purchase or import the same, with the intention not to abide by such order or commitment, or not perform the terms thereof, whether or not the applicant or licensee is aware of such intention. Unless notice of change in intention is communicated and received by the Office of International Trade prior to exportation, in time to permit revocation or amendment, all parties will be deemed to represent continuously to the Office of International Trade that the intention continues to be that of abiding by the order or commitment and of performing the same.

(iv) *End use.* Falsely state the end use to be served by the exportation in question.

(4) *Denial of licensing privileges.* In addition to the application of other provisions of law and of Parts 370 to 399, inclusive, any person who shall violate any of the foregoing provisions of this section may be declared ineligible by the Office of International Trade to be a party to any licensed exportations, and it shall be unlawful for any person knowingly to apply for or obtain any license, shipper's export declaration, or other export-control document relating to any exportation of commodities to or for such person so declared ineligible without prior disclosure of such facts to, and specific authorization of, the Office of International Trade.

§ 381.2 *Revocation of licenses.* All export licenses are subject to revision, suspension, or revocation without notice.

§ 381.3 *Export-control documents: Trafficking, advertising, misuse, and unauthorized amendments.*—(a) *Unauthorized use and alterations.* Except as otherwise specifically authorized in Parts 370 to 399, inclusive, or in writing by the Office of International Trade, it shall be unlawful for any person, whether or not the licensee, to receive, use, alter, assist in or permit the use or alteration of, any export-control document, for the purpose of facilitating or effecting any exportation other than that set forth in such document or except in accordance with all the terms, provisions and conditions thereof.

(b) *Trafficking and advertising.* Without limitation of the foregoing or of any other provisions of law or of Parts 370 to 399, inclusive, it shall be unlawful without prior written approval of the Office of International Trade with respect to any exportation under any outstanding export-control document:

(1) *Transfers or changes of ownership.* For the licensee to effect, or to attempt to effect, any transfer of, or other change of ownership in, such document whether by sale, gift, loan, or otherwise, to any other person, or to permit any other person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or for any person not the licensee to receive or accept a transfer or other change of ownership of, or otherwise to use, an export-control document, or to attempt the same, except for the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* To effect, or to attempt to effect, any change of, substitution for, or addition to, the parties named in an export control document, or any transfer, receipt or purchase, or creation of any interest or participation whatsoever in the transaction described in any export control document.

(3) *Unlawful advertising.* To offer or solicit by written advertisement or circular any transfer of an export-control document or any interest therein hereinabove declared unlawful. An advertisement or circular shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Office of International Trade of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, offering or soliciting the sale for exportation of any commodities the advertisement indicates that the proposed seller of such commodities holds or will furnish a license or other export-control document for the exportation of such commodities;

(iii) Where, offering or soliciting the purchase for exportation of any commodities, such advertisement is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export-control document for the exportation of such commodities.

(4) *Agent for licensee.* For the licensee to permit any other person to facilitate or effect the exportation of any commodity described in the license, except under the direction and responsibility of or as the true agent in fact for the licensee, regardless of the terms of sale or exportation or other contractual agreement between the licensee and the purchaser or ultimate consignee of such commodity.

#### INTERPRETIVE STATEMENT REGARDING §§ 381.1 AND 381.3

The purpose of the foregoing regulations is to state in detail those practices which are prohibited in the use of export-control documents and to clarify the liabilities for false representations.

#### USE OF DOCUMENTS

§ 381.3 emphasizes the fact that a license or authenticated shipper's export declaration or other export-control document is not a subject for trafficking and that, except as specifically authorized by the Office of International Trade, no interest therein can be lawfully transferred or created. Particular attention is called to the fact that this regulation prohibits advertising of any nature whatever of

offers or solicitations which might involve transfers of export-control documents. Where a licensed transaction has failed of accomplishment, the license cannot without special authorization be used for any other transaction. Amendments of consignors and consignees will be permitted only under the strict provisions of the regulations.

#### Unlawful Practices

The regulation makes it unlawful for a licensee or other person holding an export-control document to sell, or for any person to purchase, the commodities described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect exportation of the said commodities; for any person to effect exportation thereof for the benefit or for "account" of any person other than the licensee, regardless of the device or fiction employed; or for the licensee fictitiously to act as principal or agent of another person who actually is effecting the exportation, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose or for the named consignee to act "for the account" of a new unlicensed consignee.

#### Dock Receipts, Bills of Lading, Liens

The regulation will not be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or documents in the course of financing, warehousing, forwarding or transporting commodities.

However, where the foreclosure of any lien or other security title or interest or the exercise of any rights by the holder of the lien or other security title or interest contemplates an exportation under the license, by someone other than the licensee or to someone other than the purchaser or ultimate consignee designated in the license, the holder of the lien or other security title or interest must apply for an amendment or for a new license as a new party in accordance with the regulation on amendments.

#### PART 382—DENIAL OF LICENSING PRIVILEGES

##### Sec.

- 382.1 Compliance Commissioners.
- 382.2 Orders.
- 382.3 Institution of proceedings.
- 382.4 Notification to respondent.
- 382.5 Default.
- 382.6 Answer.
- 382.7 Hearing.
- 382.8 Consolidation.
- 382.9 Reports and communications by Compliance Commissioner.
- 382.10 Disposition.
- 382.11 Appeal.
- 382.12 Proceedings to be confidential.

AUTHORITY: §§ 382.1 to 382.12 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 382.1 *Compliance commissioners.* The Assistant Director of the Office of International Trade will designate one or more persons to act as Compliance Commissioners who shall have the powers and duties set forth in this part. Persons attached to the Commodities Division or Export Operations Division of the Office of International Trade shall not be qualified to act as Commissioners.

§ 382.2 *Orders.* Orders denying the privilege of any person to obtain or use

an export license may be issued in the name and under the authority of the Director of the Commodities Division of the Office of International Trade, or of the Assistant Director of the Office of International Trade. Such orders shall be effective for such periods of time and on such terms and conditions as may be prescribed therein.

§ 382.3 *Institution of proceedings.* The Chief of the Enforcement Branch, Export Operations Division, may, with the approval of the Office of General Counsel, initiate proceedings to deny the privilege of any person to obtain or use export licenses in any case where the Enforcement Branch has reason to believe that such person has violated any provisions of the statutes, proclamations, Executive orders or regulations relating to export control.

§ 382.4 *Notification to respondent.* The Chief of the Enforcement Branch, Export Operations Division, shall initiate proceedings by transmitting a telegram or registered letter to the person against whom proceedings are brought.

The notification shall set out the specific nature of the violations charged, shall state that denial of respondent's privilege to obtain or use export licenses is being contemplated and that failure to answer the charges may result in such action being taken.

The notification shall set a time and place for a hearing on the charges before a Compliance Commissioner and shall advise the respondent that he must answer the charges at or prior to such time or be held in default. The time set shall be not less than ten days or more than fifteen days from the date of the notification.

Charges may be amended from time to time upon reasonable notice to the respondent.

§ 382.5 *Default.* If the respondent does not answer the charges as provided in § 382.6 within a prescribed time, the Chief of the Enforcement Branch shall submit to the Director of the Commodities Division the facts of the case, together with a recommendation for action. Being so advised, the Commodities Division may issue an order denying the privilege of the respondent to obtain or use export licenses, or may take any other appropriate action.

§ 382.6 *Answer.* The respondent may answer the charges made against him in writing by submitting his answer, in duplicate, to the Enforcement Branch, Export Operations Division, Office of International Trade, Department of Commerce, Washington 25, D. C., within the time limited by the notification to respondent.

The respondent shall be permitted to answer the charges made against him orally if he indicates his desire to do so by letter, in duplicate, submitted to the Enforcement Branch, Export Operations Division within the period limited by the notification to respondent.

§ 382.7 *Hearing.* At the time and place specified in the notification to respondent all evidence material to the inquiry shall be received by the Compliance Commissioner and shall be taken by a re-

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porter before him. The respondent may be represented by counsel. The respondent shall be informed that he is under no obligation to answer questions.

The evidence shall be transcribed by the reporter, filed with the Compliance Commissioner, and the respondent shall be given an opportunity to examine the transcript.

The respondent may prepare and file with the Compliance Commissioner a bill of exceptions to such transcript which shall thereafter accompany the transcript. Such bill of exceptions shall be filed within such time as the Compliance Commissioner shall fix at the conclusion of the hearing.

**§ 382.8 Consolidation.** The opportunity to answer charges may, at the discretion of the Compliance Commissioner, be consolidated with any similar opportunity afforded the respondent by any other government agency with respect to charges upon the same or a related subject matter.

**§ 382.9 Reports and communications by Compliance Commissioner.** The Compliance Commissioner shall consider the record, including any bill of exceptions filed by the respondent, and shall prepare a written report which shall consist of his findings of fact, including a finding whether or not a violation has occurred, and his recommendations. If the Commissioner finds that a violation has been committed, his recommendation for action shall be advisory only. The report, transcript, and bill of exceptions, if any, shall be transmitted to the Director of the Commodities Division.

**§ 382.10 Disposition.** The Director of the Commodities Division shall review the record, consider the recommendations of the Compliance Commissioner, and determine the disposition of the case.

In any case where the Commissioner has found that a violation has been committed, the Director of the Commodities Division may issue an order denying the respondent's privilege to obtain or use export licenses for such periods of time and on such terms and conditions as he may prescribe and take any other appropriate action.

In any case where the Commissioner has found that no violation has been committed, the Director of the Commodities Division shall enter an order dismissing the charges.

In all cases the respondent shall be notified promptly of the action taken. An order denying the privilege to obtain or use export licenses shall contain a notification to the respondent of his right to appeal.

**§ 382.11 Appeal.** A respondent may appeal in writing to the Appeals Board of the Bureau of Foreign and Domestic Commerce (see Part 383), whose determination shall be final. Such appeal shall be taken within 10 days after receipt of a suspension order by the respondent.

The appeal shall be considered on the basis of the order of the Director of the Commodities Division, the report of the Compliance Commissioner and the record made before the Commissioner, including

the transcript of the hearing and any bill of exceptions filed by the respondent. Oral argument will be permitted only upon direction of the Appeals Board. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in the rules or regulations alleged to have been violated.

An order denying the privilege to obtain or use an export license shall remain in effect pending disposition of the appeal, unless otherwise ordered by the Appeals Board.

Appeals shall be filed with and addressed to the Appeals Board, Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington 25, D. C. The provisions of § 383.1 concerning grounds for appeal, preparation of appeals in general, records and decisions shall be applicable to appeals provided for by this section.

**§ 382.12 Proceedings to be confidential.** Pending disposition of a case by an order of the Director of the Commodities Division, in accordance with §§ 382.5 and 382.10, all proceedings pursuant to the provisions of this part shall remain confidential.

### PART 383—APPEALS

**§ 383.1 General procedure for appeals—(a) Purpose.** This section provides the general procedure for appeals, except as otherwise noted below.

**(b) Appealability of regulations and administrative actions.** Any person may appeal, upon the grounds set forth in paragraph (e) of this section, from:

(1) Any regulation issued by the Office of International Trade under the export control law or delegated authority relating thereto.

(2) Any administrative action of the Office of International Trade or duly authorized employees thereof, taken under the aforementioned authority, including appeals from compliance actions as provided for by § 382.11.

*Provided*, That problems of an over-all nature, affecting exporters as a group, will not be considered within this appeals procedure, but may be referred to Commodity Advisory Panels and Commodity Advisory Committees as provided in § 384.1.

**(c) Definitions.** For purposes of this section,

(1) "Regulation" means any provision of a regulation or order published in the Federal Register or announcement thereof in a Current Export Bulletin which is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action taken by the Office of International Trade or duly authorized employees thereof under a regulation with respect to a particular person, and covers all actions taken on license applications, including return without action.

(3) "Appeal" means a request for relief as provided in this section from the provision of a regulation or of an administrative action, and includes an initial review.

(4) "Person" shall be construed to mean the singular or plural, an individual, corporation, partnership, association, company, or any other kind of

organization whatsoever, including any government or agency thereof.

(5) "Appellant" means a person filing an appeal.

**(d) Establishment of Appeals Board.** The Appeals Board of the Bureau of Foreign and Domestic Commerce has been established as an impartial body to consider appeals. The Board consists of a Chairman, who is designated by the Assistant Secretary for Foreign and Domestic Commerce, and two other members.

**(e) Who may file and upon what grounds.** Any person affected by a regulation or administrative action of the kind described in paragraph (b) of this section may file an appeal on the ground that:

(1) The regulation or administrative action works an exceptional and unreasonable hardship upon him; or

(2) The regulation or administrative action improperly discriminates against him.

**(f) Preparation of appeals.** Appeals must be in writing. All appeals and accompanying material shall be filed in triplicate, unless otherwise indicated below. If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the appellant, waiver of this rule may be requested at the time the appeal is filed. Appeals must be clearly marked "Ref: Appeals," followed by a reference to the regulation (or administrative action thereunder) appealed from, and shall be in letter form.

All appeals must clearly state (1) the provisions of the regulation or the administrative action appealed from, (2) the grounds for the appeal, and (3) the relief requested by the appellant. The various grounds for the appeal should be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

A request for an oral presentation before the Appeals Board, as provided in paragraph (h) (1) of this section, must be in writing and should be filed with the appeal.

An appeal not prepared or filed substantially as provided in this section may be returned to the appellant without action.

In addition to the above-described appeals letter, the following papers must be included with appeals of the kind hereinafter described in this paragraph.

(1) Appeals from license applications rejected or returned without action must include (i) the rejected or returned without action license application—the returned without action applications shall include the original and duplicate, (ii) a new original copy of the license application, in the case of rejected license applications, on which should be entered the old Department of Commerce case number in space provided under item 4 (b), and (iii) an acknowledgment card (IT 116) showing the old case number.

(2) Appeals from multiple commodities or multiple consignee applications disallowed in part must include (i) a certified or photostatic copy of the original application, (ii) a complete new application covering only the rejected

items, and (iii) the appropriate acknowledgment card.

(3) Appeals from rejection of request for extension of licenses must include the license unless it has been previously surrendered to the Department of Commerce or a collector of customs.

(4) Appeals from denial of request to transfer export licenses must include (i) letters of request for transfer in triplicate from the transferor and transferee, and (ii) the original license unless the license is on file with the Department of Commerce.

(5) Appeals from rejection of requests for export preference assistance for tinplate or nitrogenous fertilizer materials must include (i) all material included in the original request, (ii) any letter of denial which may have been issued by the Department of Commerce, and (iii) an acknowledgment card (IT 116) marked with the Department of Commerce case number.

When export preference assistance has been denied for products other than tinplate and nitrogenous fertilizer materials, appeals shall be directed to the Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., in accordance with Allocations Regulation 2, as amended.

(6) Appeals from rejection of unit-process applications must be for the group comprising such applications and must include (i) the group of rejected applications, (ii) new original copies of the license applications, on which should be entered the old Department of Commerce case numbers, and (iii) an acknowledgment card (Form IT 116) showing the old case numbers.

(g) *When and where to file appeals.* Appeals may be filed not later than 20 days after the publication date of a regulation or the date of transmittal of written notification of administrative action or of a determination upon the initial review. All appeals shall be filed with and addressed to the Office of International Trade, Washington 25, D. C.

**Note:** Appeals from denial of the privilege of obtaining or using export licenses may be filed not later than 10 days after receipt of a suspension order by the respondent. (See § 382.11.)

(h) *Consideration of appeals.* All appeals, except appeals from denial of the privilege of obtaining or using export licenses, will be considered and reviewed initially by appropriate employees of the Office of International Trade prior to submission of the appeals to the Appeals Board. The Appeals Board will consider only those appeals in which (i) the appellant expressly requests in writing that his appeal be considered by the Appeals Board, and (ii) the relief requested has not already been granted. An appellant may request consideration of his appeal by the Appeals Board at the time of original submission or after determination upon the initial review of his appeal by appropriate employees of the Office of International Trade as set forth in this paragraph.

(1) *Oral presentations.* In exceptional cases, where the Appeals Board believes it to be necessary to a proper determination, the appellant may be

granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D. C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation. Such presentations will be heard informally; generally no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. Appellants need not be represented by counsel unless they so wish.

(2) *Records.* Records concerning each appeal will be maintained by the Office of International Trade and may be made available for inspection and copying by persons properly concerned, upon written application. Such application must be addressed to the Appeals Board, and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purpose for which it is sought.

(i) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part. Determinations by the Appeals Board shall be final. The determination of an appeal will be communicated to the appellant in writing. (Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

#### PART 384—GENERAL ORDERS

Sec.

- 384.1 Commodity advisory panels and committees.
- 384.2 Practice before the Office of International Trade.
- 384.3 Orders modifying validity of export licenses.
- 384.4 Export preference assistance.

AUTHORITY: §§ 384.1 to 384.4 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 384.1 *Commodity advisory panels and committees*—(a) *Purpose.* The purpose of this section is to establish a procedure whereby the export trade may consult with and give information and advice to the Office of International Trade of the Department of Commerce concerning export licensing policies and procedures under the export-control law.

(b) *Organization of the panels and committees*—(1) *Representation by commodities.* It is intended, for convenient operation and size, to provide representation of the export trade by commodities. Wherever practicable, segments of the export trade handling different commodities (or groups of commodities) will be represented by separate panels. To handle specific matters, committees will be organized from among the members of the commodity panel. The pan-

els and committees are selected by the Office of International Trade.

(2) *Standards of selection.* As the purpose of such commodity advisory panels and commodity advisory committees thereof is to give advice to the Office of International Trade affecting segments of the export trade, the members of the panels and committees will be selected in an effort to obtain advice which will represent the viewpoint of all parts of the export trade involved. The panels will be formed of the minimum number of persons necessary to represent a fair cross-section of the export trade in the commodity (or groups of commodities) from the standpoints of (1) large, medium, and small companies, (2) geographical distribution, (3) trade association membership, and (4) segments of the export trade involved, e. g., by levels of the export trade (such as manufacturers, suppliers of exporters, and various types of distributors, including independent or merchant exporters), by degree of integration (such as manufacturing-exporters), by types of commodities, etc. The foregoing standards will be also adhered to in the formation of the committees.

(3) *Representation of small business.* In forming commodity advisory panels and committees the Office of International Trade will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress) and the President's memorandum to heads of Executive departments and agencies of December 12, 1947 with respect to the representation of small business on Government committees.

(4) *No compensation allowed.* Members of the panels and committees pay their own expenses and are entitled to no compensation for their services.

(c) *Functions of the panels and committees*—(1) *Authorized.* The functions of a commodity advisory panel formed by the Office of International Trade under this section are to furnish information, to give advice and make recommendations through one or more commodity advisory committees to the Office of International Trade, at committee meetings, on export licensing policies and procedures affecting those parts of the export trade represented by the committee. Where deemed appropriate, in view of the nature of a specific licensing policy or procedure, the Office of International Trade will authorize the holding of full panel meetings.

(2) *Unauthorized activities.* No other activities by these commodity advisory panels and committees or by their members are sponsored or authorized by the Department of Commerce or the Office of International Trade under this section. The panels and committees are not authorized to determine policies for the export trade nor are they authorized to compel or coerce any person to comply with any request or order or regulation made by the Department of Commerce or Office of International Trade.

(d) *Meetings of the panels and committees*—(1) *Calling of meetings.* Commodity advisory panel meetings and commodity advisory committee meetings will be called by the Office of International Trade in connection with the

<sup>1</sup> This section incorporates without change the provisions of "Order Establishing Commodity Advisory Panels and Commodity Advisory Committees" dated March 25, 1945 (13 F. R. 1646).

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promulgation of export licensing policies or procedures affecting the parts of the export trade represented by the panel or committee, as the case may be, except where the necessary timing or other public exigency does not permit such prior consultation.

(2) *Agenda and presiding officer.* The agenda of the meeting will be prepared by the Office of International Trade. Representatives of interested agencies of the Government will be invited by the Office of International Trade. A representative of the Office of International Trade will preside at every panel meeting and every committee meeting.

(3) *Minutes.* The Office of International Trade will keep minutes of each meeting and where practicable will make summaries available to members of the commodity advisory panel, the committee, the export trade, and the press.

**§ 384.2 Practice before the Office of International Trade—(a) Activities of persons appearing before the Office of International Trade in connection with export-control matters—(1) Who may be excluded.** There may be excluded from practice before the Office of International Trade in connection with any export control matter any person who shall be found guilty of engaging in any unethical activity or who shall be demonstrated not to possess the required integrity and ethical standards.

Among the grounds for such exclusion are the following:

(1) Inducing or attempting to induce by gifts, promises, bribes, or otherwise any officer or employee of the Office of International Trade or any Customs or Post Office official to take any action with respect to the issuance of licenses or any other aspects of the administration of the export control law whether or not in violation of any regulation.

(ii) Soliciting by advertisement or otherwise the handling of business before the Office of International Trade on the representation, express or implied, that such person, through personal acquaintance or otherwise, possesses special influence over any officer or employee of that Office.

(iii) Charging or proposing to charge for any service performed in connection with the issuance of any license any fee wholly contingent upon the granting of such license and the amount or value thereof. This provision will not be construed to prohibit the charge of any fee agreed to by the parties, provided that the out-of-pocket expenditures and the reasonable value of the services performed, whether or not the license is issued and regardless of the amount thereof, are fairly compensated.

(iv) Knowingly violating or participating in the violation of, or an attempt to violate, any regulation with respect to the exportation of commodities, including the making or inducing another to make any false representations to facilitate any exportation in violation of the export control law or any order or regulation issued thereunder.

(2) *Definition.* As used in this paragraph, the term "practice before the Office of International Trade" includes (i) the submission on behalf of another

of applications for export license or other documents required to be filed with the Office of International Trade, or the execution of the same; (ii) conferences or other communications on behalf of another with officers or employees of the Office of International Trade for the purpose of soliciting or expediting approval by the Office of International Trade of applications for export licenses or other documents, or with respect to quotas, allocations, requirements or other export control actions, pertaining to matters within the jurisdiction of the Office of International Trade; (iii) participation on behalf of another in any proceeding pending before the Office of International Trade; (iv) the submission to a customs official on behalf of another of a license or export declaration or other export control documents.

(3) *Proceedings.* Proceedings for exclusion from practice hereunder shall be conducted in the same manner as provided in Part 382 with respect to denial of licensing privileges.

(b) *Former employees.* This paragraph relates to appearances of former employees as representatives of third persons. No person shall appear or be permitted to appear before or otherwise deal with the Office of International Trade as the agent, attorney, or representative of any individual, corporation, partnership, or any group or body of persons, however designated, other than the United States or any department or agency thereof, if such person has at any time been officially associated with the specific transaction to which such appearance or dealing relates, as a full-time or part-time, compensated or uncompensated officer or employee of the Office of International Trade or any of its predecessor or constituent agencies.

**§ 384.3 Orders modifying validity of export licenses—(a) Streptomycin.** [Deleted, effective May 13, 1949.]

(b) *Cigarettes and tobacco products to Germany.* No cigarettes or tobacco products shall be exported from the United States to Germany under the provisions of any of the general licenses established in Part 372, except as follows:

(1) Individuals leaving the United States for the American or British Zones of Germany are authorized to export as part of their personal baggage (under the general license designated BAGGAGE, as set forth in § 371.11 hereof) cigarettes and tobacco products for their personal use only.

(2) Cigarettes and other tobacco products also may be exported to the American or British Zones of Germany in accordance with the provisions of general license GRO, as set forth in § 371.8 hereof.

(3) The provisions of this paragraph shall not apply to shipments by the United States armed forces.

(c) *Commodities with processing code STEE.* With the exceptions noted below, the validity period of all outstanding licenses for the exportation of iron and steel mill products, with the processing code STEE, effective on or issued subsequent to August 28, 1948, and prior to March 1, 1949, are extended for a period of 3 months from the date of expira-

tion of the license. The provisions of this paragraph shall not apply to licenses for the exportation of unlined storage tanks, Schedule B No. 604300, fabricated structural shapes, Schedule B No. 604600, cast-iron pressure pipe, Schedule B No. 606705, and cast-iron pressure pipe fittings, Schedule B No. 606798; nor to licenses for the exportation of surplus or reject iron and steel mill products.

#### § 384.4 Export preference assistance—

(a) *Export preference assistance on tinplate and nitrogenous fertilizer materials.* Under delegation of authority from the Office of Domestic Commerce, Department of Commerce, the Office of International Trade, Department of Commerce, may grant export preference assistance for tinplate and nitrogenous fertilizer materials.

(1) *CXS orders for tinplate: assignment and use.* Under the authority of Direction 1 to Allocations Regulation 2, (§ 336.40 of this chapter), the Office of International Trade may authorize use of the symbol CXS (Certified Export Steel) by purchasers to assist them in the procurement of specific quantities of tinplate for export and use in the preservation of perishable, essential foods for foreign consumption.

Purchase orders for tinplate on which the symbol CXS has been authorized by the Office of International Trade may be placed only with steel producers for mill shipments; they may not be placed with distributors for shipment from warehouses. When properly certified by the purchaser, such orders must be treated as certified export orders by the steel producers under Allocations Regulation 2, and be accepted, scheduled, and delivered accordingly.

The Office of Domestic Commerce, Department of Commerce, may also establish space reservations for tinplate on steel producers' schedules for the benefit of these export orders.

(2) *CXN orders for nitrogenous fertilizer materials: assignment and use.* Under the authority of Allocation Order N-1, (chapter III, title 15, §§ 338.91 to 338.103, Code of Federal Regulations), the Office of International Trade, Department of Commerce, may authorize use of the symbol CXN (Certified Export Nitrogenous Fertilizer Materials) by purchasers in order to assist them in the procurement of specified quantities of nitrogenous fertilizer materials for export. Any purchase order certified by the purchaser under Allocation Order N-1 must be treated as a certified export order under Allocations Regulation 2, and must be accepted, scheduled, and delivered accordingly. Exporters are limited in the use of the CXN symbol by the provisions of Allocation Order N-1.

If any person authorized by the Office of International Trade to use the symbol CXN is unable to find a supplier who can accept his order, he may apply to the Office of Domestic Commerce, Department of Commerce, which will, wherever possible, refer him to other suppliers who have available supplies.

(b) *Applications for export preference assistance on tinplate and nitrogenous fertilizer materials.* Requests for export preference assistance on tin-

plate and nitrogenous fertilizer materials shall be included in the export license application submitted covering such materials. In the case of tinplate the license application must show that the end use is for the preservation of perishable, essential foods for foreign consumption.

**NOTE: Circumstances under which export preference assistance may be granted on commodities other than tinplate and nitrogenous fertilizer materials.** In accordance with Allocations Regulation 2, export preference certificates may be granted by the Department of Commerce to permit the placing and filling of certified orders for procurement in the United States of the minimum quantities of materials under the following circumstances:

(1) When required to expand or maintain the production in foreign countries of materials determined by the Department of Commerce to be critically needed in the United States, but only if it is found that the proposed action will not have an unduly adverse effect on the domestic economy of the United States; or

(2) When the Secretary of State has certified that the prompt export of materials is of high public importance and essential to the successful carrying out of the foreign policy of the United States, but only if the Secretary of Commerce has determined that the proposed action will not have an unduly adverse effect on the domestic economy of the United States.

The Department of Commerce will authorize the use of an export preference certificate in the circumstances described above only upon determination in each instance that all the following conditions are met:

(1) The use of substitute and less scarce materials is not practicable;

(2) Reasonable efforts have been made to obtain the required item without an export preference certificate; and

(3) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material available without preference assistance.

**Procedure for applying for export preference assistance.** 1. Applications for an authorization to use an export preference certificate (except those submitted under the CXS and CXN procedure set forth in §§ 373.4 and 373.11) to obtain delivery of a commodity for export to all destinations except Canada (whether shipments will be made under a validated license or general license) must be made by letter in quadruplicate addressed and submitted to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref. AR-2.

2. Applications for authorization to use an export preference certificate described in the preceding paragraph must include the following information:

(a) Exact nature of applicant's business, e. g., manufacturing farm equipment, steel mill, etc.

(b) Exact description of the item for which assistance is required, stating (1) for materials, the kind, quantity, and unit of measure; or (2) for equipment, the make, model, size, type, capacity, etc.

(c) The country of export destination and the exact use to be made in that country of the item proposed to be exported.

(d) Name of supplier and his present delivery promises and his reasons for not promising satisfactory delivery dates. (Give the number and date of the purchase order.)

(e) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(f) A full statement of the importance of making the export at this time from the

standpoint of the interests of the United States.

3. Applicants for export preference assistance shall indicate in the upper right-hand margin of the first page of each copy of the application the processing code for each commodity as indicated in the Positive List of Commodities, § 399.1, Appendix A.

4. No application for export preference assistance to obtain delivery for export of a commodity which is included on the Positive List will be considered unless a license application covering the proposed export has been filed. However, the request for export preference assistance may be filed with the export license application.

5. If the request for export preference assistance is granted, the applicant will be authorized in writing by the Department of Commerce to use an export preference certificate as provided in Allocations Regulation 2.

#### PARTS 385-398—[RESERVED]

#### PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Sec.	
399.1	Appendix A—Positive List of Commodities.
399.2	Appendix B—Interpretations: Positive List of Commodities.
399.3	Appendix C—Commodity processing codes.
399.4	Appendix D—Related commodity groupings for non-Positive List commodities to Group R destinations; single license applications.

**AUTHORITY:** §§ 399.1 to 399.4 issued under Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.

#### § 399.1 Appendix A; Positive List of Commodities.

Dept. of Com- merce Sched- ule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Dept. of Com- merce Sched- ule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
<b>ANIMALS, EDIBLE</b>									
001200	Cattle other than for breeding	Unit	MEAT	500					
001300	Hogs (swine)	Unit	MEAT	100	003909	Other canned meat (report chicken, canned, in 003901)—Continued			
<b>MEAT PRODUCTS</b>									
002000	Beef and veal, except canned: Fresh or frozen	Lb.	MEAT 1	3	003909	Meat spreads, except beef, pork or chicken.	Lb.	MEAT 1	3
002100	Pickled or cured	Lb.	MEAT 1	3	003909	Pemmican.	Lb.	MEAT 1	3
002700	Pork, except canned: Fresh or frozen pork, except fatback pork (report pickle or salted in 003200 and canned in 003700).	Lb.	MEAT 1	3	003909	Potted meat, except beef, pork or chicken.	Lb.	MEAT 1	3
002800	Hams and shoulders, cured (include cooked).	Lb.	MEAT 1	3	004100	Sweetbreads.	Lb.	MEAT 1	3
002900	Bacon, except fat pork, dry-salted, and porkbaek, dry-salted.	Lb.	MEAT 1	3	004300	Tushonka, canned (formerly 003907).	Lb.	MEAT 1	3
003000	Cumberland and Wiltshire sides.	Lb.	MEAT 1	3	003909	Vegetables cooked with meat, including lentils with frankfurters and beans with frankfurters.	Lb.	MEAT 1	3
003200	Other pork, pickled or salted, except fatback pork, pickled or salted.	Lb.	MEAT 1	3	004400	Kidneys and livers, fresh, frozen, or cured, except canned.	Lb.	MEAT 1	3
003400	Mutton and lamb (report canned in 003909).	Lb.	MEAT 1	3	004400	Tongue, fresh, frozen, pickled, or cured, except canned.	Lb.	MEAT 1	3
003500	Sausage, bologna and frankfurters, except canned (report canned in 003800).	Lb.	MEAT 1	3	004400	Sausage ingredients, salted or otherwise cured, except canned.	Lb.	MEAT 1	3
003600	Beef, canned.	Lb.	MEAT 1	3	004400	Cheeks.	Lb.	MEAT 1	3
003700	Pork, canned (include canned hams and canned bacon).	Lb.	MEAT 1	3	004400	Cuttings.	Lb.	MEAT 1	3
003800	Sausage, bologna and frankfurters, canned.	Lb.	MEAT 1	3	004400	Ears, dry-salted.	Lb.	MEAT 1	3
003908	Canned baby food, meat or chief value meat, strained or chopped.	Lb.	MEAT 1	3	004400	Feet.	Lb.	MEAT 1	3
	Other canned meat (report chicken, canned, in 003901):				004400	Heads.	Lb.	MEAT 1	3
003909	Mutton, boiled, corned, or roasted.	Lb.	MEAT 1	3	004400	Jowls.	Lb.	MEAT 1	3
003909	Veal (include cured).	Lb.	MEAT 1	3	004400	Knuckles.	Lb.	MEAT 1	3
003909	Lamb.	Lb.	MEAT 1	3	004400	Lacones, dry-salted.	Lb.	MEAT 1	3
003909	Ration C; Ration RR.	Lb.	MEAT 1	3	004400	Menudos (dry-salted ears and tails).	Lb.	MEAT 1	3
003909	Meat and vegetable hash.	Lb.	MEAT 1	3	004400	Pastrami strips, smoked.	Lb.	MEAT 1	3
003909	Blood pudding.	Lb.	MEAT 1	3	004400	Pigs' feet.	Lb.	MEAT 1	3
003909	Brains.	Lb.	MEAT 1	3	004400	Pork feet, with hocks.	Lb.	MEAT 1	3
003909	Deviled meats, except beef or pork.	Lb.	MEAT 1	3	004400	Snouts.	Lb.	MEAT 1	3
003909	Hot tamales.	Lb.	MEAT 1	2	004500	Tails, dry-salted.	Lb.	MEAT 1	3
003909	Kidney stew.	Lb.	MEAT 1	3	004500	Testes.	Lb.	MEAT 1	3
003909	Lamb tongue.	Lb.	MEAT 1	3	004500	Tripe trimmings.	Lb.	MEAT 1	3
003909	Lunch tongue, except beef, ox or pork.	Lb.	MEAT 1	3	004500	Other meats, except canned:			
003909	Meat gravy.	Lb.	MEAT 1	3	004500	Beef hearts, fresh or frozen.	Lb.	MEAT 1	3
003909	Meat paste.	Lb.	MEAT 1	3	004500	Brains.	Lb.	MEAT 1	3

## RULES AND REGULATIONS

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
<b>OTHER EDIBLE ANIMAL PRODUCTS</b>									
009400	Meat extracts, <sup>1</sup> except bouillon cubes	Lb.	MEAT	100					
009900	Beef scraps, dried <sup>1</sup>	Lb.	MEAT	100					
009900	Blood flour	Lb.	MEAT	100					
009900	Bone scraps <sup>1</sup>	Lb.	MEAT	100	405720	Softwood lumber (including rough-sawed, dressed, and worked or patterned lumber, and also including softwood flooring):	M. b. f.	LUMB 1	None
009900	Dog foods, chief ingredient meat <sup>1</sup>	Lb.	MEAT	100		Port Orford cedar (including Lawson's cypress) (formerly 406500, 408500 and 410720).			
009900	Meat scraps	Lb.	MEAT	100					
<b>HIDES AND SKINS, RAW, EXCEPT FURS</b>									
020602	Calf skins, dry	Piece	MEAT 1	100					
020604	Calf skins, wet (include skunk skins)	Piece	MEAT 1	100	421603	Port Orford cedar veneers only, utility or commercial grade (report Port Orford cedar battery separator veneers and blanks in 429450).	Sq. ft.	LUMB 1	None
020702	Kip skins, dry	Piece	MEAT 1	100					
020704	Kip skins, wet	Piece	MEAT 1	100					
<b>OTHER INEDIBLE ANIMALS AND ANIMAL PRODUCTS</b>									
009908	Blood albumen		MEAT	100					
009998	Dry blood, soluble		MEAT	100					
009998	Blood meal <sup>1</sup>		MEAT	100					
009998	Bone scrap <sup>1</sup>		MEAT	100					
009998	Candle pitch and candle tar pitch (formerly in 084300).		MEAT	1					
009998	Liver meals <sup>1</sup>		MEAT	100	500400	Coke (include coal-tar coke) (report petroleum coke in 504800).	L. ton.	COAL	100
<b>GRAINS AND PREPARATIONS</b>									
101100	Barley (bu. 48 lbs.), except seed <sup>1</sup>	Bu.	CERL	100					
101100	Barley for seed <sup>1</sup>	Bu.	SEED 2	100					
103150	Corn, other than seed, except popcorn (bu. 56 lbs.) (formerly 103100).	Bu.	CERL	100	501100	Petroleum, crude.	Bbl.	PETR 1	1,000
103170	Corn seed, other than sweet corn seed, except popcorn (bu. 56 lbs.) (formerly 103100) (report sweet corn seed in 246896).	Bu.	SEED 2	100	501400	Refined oils:	Gal.	PETR 1	100
103500	Grain sorghums (bu. 56 lbs.) except seed (report grain sorghum for seed under 241990).	Bu.	CERL	100	501610	Blending agents or anti-knock compounds of petroleum origin (formerly 501325).	Bbl.	PETR 1	1,000
104100	Oats (bu. 32 lbs.), except seed <sup>1</sup>	Bu.	CERL	100	501650	Aviation motor fuel, 100 or over octane number (bbl. of 42 gals.) (formerly 501600).	Bbl.	PETR 1	1,000
104100	Oats for seed <sup>1</sup>	Bu.	SEED 2	100		Aviation motor fuel, under 100 octane number (bbl. of 42 gals.) (formerly 501600).	Bbl.	PETR 1	1,000
105500	Paddy or rough rice, except seed	Bu.	CERL	10		Automotive and other motor fuel and gasoline (bbl. of 42 gals.).	Bbl.	PETR 1	1,000
105500	Paddy or rough rice for seed	Bu.	SEED 2	10	501700	Kerosene (bbl. of 42 gals.).	Bbl.	PETR 1	1,000
105710	Milled rice, containing more than 25% whole kernels (including brown rice) (formerly 105700).	Cwt.	CERL	10	502700	Gas oil and distillate fuel oil (bbl. of 42 gals.).	Bbl.	PETR 1	1,000
105750	Milled rice, containing not more than 25% whole kernels (including brown rice, broken rice, and rice screenings) (formerly 105700).	Cwt.	CERL	10	503100	Residual fuel oil (bbl. of 42 gals.).	Bbl.	PETR 1	1,000
					504600	Paraffin wax, refined, with melting point in the ranges of 125/127° through 128/130°	Lb.	PETR	None
105800	Rice flour, meal and polish	Bu.	CERL	10		A.M.P.			
106100	Rye (bu. 56 lbs.), except seed <sup>1</sup>	Bu.	SEED 2	100	504800	Petroleum coke.	L. ton.	PETR	100
106100	Rye for seed <sup>1</sup>	Bu.	SEED 2	100					
107100	Wheat (bu. 60 lbs.), except seed <sup>1</sup>	Bu.	CERL	25					
107100	Wheat for seed <sup>1</sup>	Bu.	SEED 2	25	533200	<b>CLAY AND CLAY PRODUCTS</b>	Piece	BLDG	None
<b>FODDERS AND FEEDS, N. E. S.</b>									
118000	Bone meal, regardless of protein content	L. ton.	CERL	100					
119900	Bone meal <sup>1</sup>	L. ton.	CERL	100					
119900	Fish meal for feed (formerly 114000)	L. ton.	CERL	100					
119900	Meat meal (formerly 118000)	L. ton.	CERL	100	540905	<b>OTHER NONMETALLIC MINERALS, INCLUDING PRECIOUS</b>	Lb.	TOOL 1	None
119900	Tankage	L. ton.	CERL	100		Diamond grinding wheels (include resinoid diamond abrasive wheels formerly in 541200, and sticks, hoses, and laps formerly classified under Schedule B No. 540905 but not specifically listed).			
<b>VEGETABLES AND PREPARATIONS, EDIBLE</b>									
120250	Austrian winter peas	Lb.	SEED 2	100	540910	Diamond dust, or powder	Carat	CDGS 1	None
<b>SEEDS, EXCEPT OILSEEDS</b>									
240200	Grass and field seeds:				599098	Diamonds suitable only for industrial use	Carat	CDGS 1	None
240300	Red clover	Lb.	SEED 2	25		Diamonds, rough or uncut, suitable for cutting into gem stones (formerly 599098).	Carat	CDGS 1	None
240400	Aleiske clover	Lb.	SEED 2	25		Diamond bearings.	CDGS 1	None	
240400	Crimson clover	Lb.	SEED 2	25					
240600	Clover seed mixtures	Lb.	SEED 2	25	600700	<b>STEEL MILL PRODUCTS</b>	S. ton.	STEE	None
241990	Timothy	Lb.	SEED 2	25		Pig iron, all grades.	S. ton.	STEE	None
	Vetch	Lb.	SEED 2	100	601020	Iron and steel scrap:	S. ton.	STEE	100
					601030	No. 1 heavy melting steel scrap.	S. ton.	STEE	100
					601040	No. 2 melting steel scrap.	S. ton.	STEE	100
						Hydraulically compressed and baled sheet melting scrap.	S. ton.	STEE	100
						Cast and burnt iron scrap.	S. ton.	STEE	100
						Other (include heavy shoveling steel, selected rail scrap, machine-shop turnings, wire shorts (scrap only), etc.).	S. ton.	STEE	100
320509	Jute	L. ton.	TEXT 1	25	601070	Tinplate scrap, except tin cans, old, crushed.	S. ton.	TNPL	1
320515	Manila or abaca	L. ton.	TEXT 1	25	601090	Tinplate circles, strips, cobbles, and scroll sheet butts.	S. ton.	TNPL	1
320519	Sisal or henequen	L. ton.	TEXT 1	25		Rerolling rails (formerly 605300).	S. ton.	STEE	100
321100	Jute yarn, cordage and twine	Lb.	TEXT 1	25		Steel ingots, blooms, billets, slabs, sheet bars, tin-plate bars, and tube rounds (Armco iron, ingot iron, and other iron made in steel-making furnaces included):			
322403	New jute and burlap bags of any weight (formerly 322401).	Unit	TEXT 1	100	601100	Steel ingots.	S. ton.	STEE	100
322408	Used jute bags weighing less than 2 pounds, and used burlap bags of any weight (formerly 322401).	Unit	TEXT 1	100	601300	Steel billets, blooms, and slabs (rolled or forged).	S. ton.	STEE	100
322905	Jute burlaps	Lb.	TEXT 1	25	601550	Steel sheet bars, and tin-plate bars.	S. ton.	STEE	100
341100	Binder twine and baler twine except of cotton or jute.	Lb.	TEXT 1	25	601600	Alloy steel (stainless included):	S. ton.	STEE	100
341400	Manila cordage	Lb.	TEXT 1	25	601605	Steel ingots.	S. ton.	STEE	100
341909	Sisal twine, cord and cordage	Lb.	TEXT 1	25	601606	Steel billets, blooms, and slabs.	S. ton.	STEE	100
349909	Sisal yarns				601800	Tube rounds (formerly 602300).	S. ton.	STEE	100
<b>WOOD, UNMANUFACTURED</b>									
<b>Logs, bolts, and hewn timber:</b>									
401700	Softwoods:	M. b. f.	LUMB 1	None	601705				
	Port Orford cedar (including Lawson's cypress).				601706				
					601800				

<sup>1</sup> May be exported under general license to the Philippine Islands and to all destinations in North America and South America as listed in Schedule C of the Bureau of the Census.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
<b>STEEL MILL PRODUCTS—continued</b>									
Iron and steel bars, and rods:						Structural iron and steel—Continued			
Steel bars, cold-finished:						Structural shapes:			
Carbon steel (formerly 602000)	Lb.	STEE 10	100	604500		Except fabricated	S. ton	STEE	100
Alloy, except stainless (formerly 602000)	Lb.	STEE 10	100			Fabricated:	S. ton	BLDG	100
Iron bars, 1 inch and under	Lb.	{STEE 7}	100	604600		Prefabricated houses (chief value steel)	S. ton	STEE	100
Iron bars, over 1 inch	Lb.	{STEE 8}	100	604600		Other structural shapes, fabricated, including bridges, buildings, portable houses, towers, and welded-steel structures (knock-down included)			
Concrete reinforcement bars (deformed and twisted only)	Lb.	STEE	100			Penstock (include only sections of penstock fabricated from rolled steel plates used for conducting water) (formerly 604700)	Lb.	STEE	100
Other steel bars and rods (hot-rolled):						Plates, fabricated, punched, or shaped, n. e. s. (formerly 604700)	Lb.	STEE	100
Containing no alloy, 1 inch and under	Lb.	{STEE 7}	100	604750		Sash and frames:			
Containing no alloy, over 1 inch (report port tube rounds in 601800)	Lb.	{STEE 8}	100			Metal window frames	Lb.	BLDG 1	100
Alloy steel, except stainless (report stainless in 602500)	Lb.	STEE	100			Metal window sash	Lb.	BLDG 1	100
Wire rods (for further manufacture), except specialty steel	Lb.	STEE	100	604790		Metal fabricated door frames	Lb.	BLDG 1	100
Iron and steel plates:						Sheet piling	Lb.	STEE	100
Carbon steel:						Railway-track material, iron and steel:			
Boiler plate, hot rolled (formerly 603000)	Lb.	STEE 9	100	604900		Rails:			
Other plates, hot rolled, except fabricated (formerly 603110)	Lb.	STEE 9	100	604900		60 pounds and over per yard	S. ton	STEE 18	100
Boiler plate, cold rolled (formerly 603000)	Lb.	STEE 9	100	605000		Under 60 pounds per yard	S. ton	STEE	100
Other plates, cold rolled, except fabricated (formerly 603110)	Lb.	STEE 9	100	605300		Relaying rails (report rerolling rails under 601550; and scrap rails under 601090)	S. ton	STEE	100
Stainless steel:						Rail joints and splice bars (formerly 603400)	Lb.	STEE 18	100
Boiler plate, hot rolled (formerly 603000)	Lb.	STEE 9	100	605410		Tie plates (including fishplates, formerly 603400)	Lb.	STEE 18	100
Boiler plate, cold rolled (formerly 603000)	Lb.	STEE 9	100	605450		Railway track accessories, n. e. s. (formerly 605400)	Lb.	STEE 18	100
Alloy steel, except stainless:						Tubular products and fittings, iron and steel, new and used (except scrap):			
Boiler plate, hot rolled (formerly 603000)	Lb.	STEE 9	100	605490		Boiler tubes:			
Other plates, hot rolled, except fabricated (formerly 603190)	Lb.	STEE 9	100			Seamless	Lb.	STEE 12	100
Boiler plate, cold rolled (formerly 603000)	Lb.	STEE 9	100	606000		Welded	Lb.	STEE 12	100
Other plates, cold rolled, except fabricated (formerly 603190)	Lb.	STEE 9	100	606100		Casing and line pipe:			
Skelp iron and steel	Lb.	STEE	100	606250		Seamless:			
Iron sheets, galvanized:						Casing (formerly 606200)	Lb.	STEE 15	100
Galvanized iron culvert sheets (formerly 603300)	Lb.	STEE 2	1	606290		Line pipe (formerly 606200)	Lb.	STEE 15	100
Other galvanized iron sheets (formerly 603300)	Lb.	STEE 2	1	606350		Welded:			
Steel sheets, galvanized:						Casing (formerly 606300)	Lb.	STEE 16	100
Galvanized steel culvert sheets (formerly 603400)	Lb.	STEE 2	1	606390		Line pipe (formerly 606300)	Lb.	STEE 16	100
Other galvanized steel sheets (formerly 603400)	Lb.	STEE 2	1	606400		Seamless black pipe and tubes, except casing, oil-line and boiler	Lb.	STEE	100
Steel sheets, black, ungalvanized:						Seamless black pipe and tubes, steel	Lb.	STEE 4	100
Carbon steel:						Welded black pipe and tubes, steel	Lb.	STEE 5	100
Hot rolled (formerly 603510), except enameled, lacquered or painted (formerly 620998)	Lb.	STEE 3	100	606705		Cast-iron pressure pipe	Lb.	STEE 5	100
Cold rolled; except enameled, lacquered or painted; and except tin mill black plate rejects, wasters, and waste-wasters, and cold-rolled sheets, rejects	Lb.	STEE 3	100	606805		Cast-iron pressure pipe fittings	Lb.	STEE 5	100
Lb.	STEE 3	100	606898			Cast-iron soil pipe	Lb.	BLDG 2	25
Hot rolled (formerly 603510), except enameled, lacquered or painted (formerly 620998)	Lb.	STEE 3	100	607000		Cast-iron soil pipe fittings	Lb.	BLDG 2	25
Electrical (steel) sheets, motor, dyanmo and transformer grades (formerly 603590)	Lb.	STEE	100	607100		Welded black pipe and tubes, steel	Lb.	STEE	100
Iron sheets, black, except enameled, lacquered or painted (formerly 620998)	Lb.	STEE 3	100	607200		Welded black pipe, wrought iron	Lb.	STEE 6	100
Strip, hoop, band, and scroll, iron and steel:						Welded galvanized pipe, steel	Lb.	STEE	100
Cold-rolled carbon steel (formerly 603711 and 603718), except venetian blind stock, baked enameled, in coils or cut to length (not exceeding 2½" in width nor 0.015" in thickness) (formerly 620998)	Lb.	STEE	100	607300		Welded galvanized pipe, wrought iron	Lb.	STEE 6	100
Hot-rolled carbon steel (formerly 603811 and 603818), except venetian blind stock, baked enameled, in coils or cut to length (not exceeding 2½" in width nor 0.015" in thickness) (formerly 620998)	Lb.	STEE	10	607400		Mechanical steel pipe and tubes (formerly 607705)	Lb.	STEE 17	100
Tipplate:						Stainless steel pipe and tubes (formerly 607705)	Lb.	STEE 17	100
Waste-waste tipplate (formerly 601400)	Lb.	TNPL	1	607500		Iron and steel pipe, n. e. s.	Lb.	STEE 17	100
Tipplate, hot dipped (formerly 604100)	Lb.	TNPL	1	607705		The following iron and steel pipe fittings, when 150 lbs. pressure and under: couplings; galvanized pipe fittings; malleable iron pipe fittings; pipe nipples, lap-welded, black; pipe plugs; pipe unions; screw elbows; and swage nipples (report floor drains, cast iron, in 610100; and pipe joints, gray iron, extension, in 605900)	Lb.	STEE 4	100
Tipplate, electrolytic (formerly 604100)	Lb.	TNPL	1	607798		Wire and manufacturers:			
Tipplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, including lithographic misprints (formerly 604100 and 620998)	Lb.	TNPL	1	608100		Iron and steel wire, uncoated (plain, stainless and alloy steel included), except bead wire, brush wire, mandrel wire, and tie wires for reinforcing bars, formerly 609198 (include baling wire, formerly 609198)	Lb.	STEE	1
Terneplate (long terne included)	Lb.	TNPL	1			Galvanized wire, except tie wires for reinforcing bars (formerly 609198)	Lb.	STEE	100
Structural iron and steel:						Barbed wire	Lb.	STEE	100
Water, oil, gas, and other unlined storage tanks, complete and knock-down material, for temporary or permanent installation, n. e. s.	Lb.	STEE	100	609200		Woven-wire fencing	Lb.	STEE	100
Nails:						Bale ties, wire, iron and steel	Lb.	STEE	100
Wire nails (include wire shoe nails) (report shoe tacks in 609400)				609500		Other wire and manufacturers:			
Nails: asbestos shingle, cut (include cut shoe nails); roofing, lead-headed; shingle, siding, zinc-coated; smooth, flat head, cement-coated						Coils, cold-finished; musical instrument wire; piano wire; spring wire, bright steel, piano grade (report baling wire in 608100)	Lb.	STEE	100

## RULES AND REGULATIONS

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
<b>STEEL MILL PRODUCTS—continued</b>									
609900	Bolts, iron and steel (except railroad), over 3 feet in length.	Lb.....	STEE	100	656502 656503 656507	Tin tubes. Tin foil. Tin metal in ingots, pigs, bars, blocks, slabs, and other forms.	Lb.....	NONF 4 NONF 4 NONF 4	1 1 1
610100	Castings and forgings, iron and steel:								
610515	Floor drains, cast iron (formerly 607798).	Lb.....	STEE 4	100					
610525	Railway car wheels, except locomotive.	Lb.....	STEE 13	100	656508	Tin scrap and waste (include dross).	Lb.....	NONF 4	1
610535	Railway car axles, without wheels, except locomotive.	Lb.....	STEE 13	100	656598	Other tin and manufactures.	Lb.....	NONF 4	1
	Railway car axles, fitted with wheels, except locomotive.								
	Iron and steel forgings, n. e. s. (except railway car wheels, tires, and axles, and horseshoes and mule shoes):				657101				
610700	Carbon steel.	Lb.....	STEE 1	100					
610800	Alloy steel (stainless included).	Lb.....	STEE 1	100	657103				
<b>IRON AND STEEL MANUFACTURES</b>									
615605	Tools:								
617891	Diamond saws, except circular.	Unit.....	TOOL 1	None	657105				
	Tools incorporating industrial diamonds, n. e. s. (include metal alloy slugs containing diamonds, formerly 748512).	Unit.....	CDGS 1	None					
<b>ALUMINUM AND MANUFACTURES</b>									
630301	Aluminum and aluminum base alloys:	Lb.....	NONF	25	657121				
	Sheets, plates, and strips (0.006 inch in thickness and over), except venetian blind stock, baked enameled, not exceeding 2½ inches in width nor 0.015 inch in thickness, in coils or cut to length.				657125				
630600	Aluminum woven wire insect screen cloth (formerly 608610).	Lb.....	NONF	5	657198				
630950	Aluminum prefabricated houses (dwellings only) (aluminum chief value) (formerly 630998).	Unit.....	BLDG	100					
<b>COPPER AND MANUFACTURES</b>									
640100	Copper matte, unrefined copper as blister, converter copper, or anodes (copper content).	Lb.....	NONF 1	25	664501				
641200	Refined copper in cathodes, billets, ingots, wire bars or other forms (report copper bars, except wire bars, in 642400).	Lb.....	NONF 1	1	664505 664510	Antimony ores and concentrates (antimony matter, containing lead). Beryllium ores and concentrates.	Lb.....	NONF 6 NONF 7	50 None
641300	Scrap copper.	Lb.....	NONF 1	1	664901	Bismuth matte, slimes, residues, and base bullion.	Lb.....	NONF 6	1
642200	Copper pipes and tubes.	Lb.....	NONF 1	1	664905	Antimony (include metals or regulus, needle or liquated antimony, alloys, and antimony-bearing scrap metal).	Lb.....	NONF 7	None
642300	Copper plates, sheets and strips.	Lb.....	NONF 1	1	664910	Beryllium metal, alloys, and scrap (include wire and sheets, formerly 669198).	Lb.....	NONF 7	None
642400	Copper rods, and bars (formerly 641200) (report copperweld rods in 642500; and wire bars in 641200).	Lb.....	NONF 1	1	664915 664917	Bismuth metals and alloys. Cadmium metals (include metallic shapes).	Lb.....	NONF 7 NONF 6	1 100
642500	Copper wire and cable, bare (include copperweld electrodes, formerly 664998) (report insulated copper wire in 709810, 709830 and 709850).	Lb.....	NONF 1	1	664990 664998	Cadmium alloys. Radium metal (radium content). Babbitt metal dross and scrap.	Mg..... Lb..... Lb.....	NONF 7 NONF 3 NONF 1	None 1 25
<b>BRASS AND BRONZE MANUFACTURES</b>									
644000	Brass and bronze scrap and old.	Lb.....	NONF 2	1	664998	Copper alloys in primary forms, except brass, bronze, nickel or gold.	Lb.....	NONF 7	None
644100	Brass and bronze ingots.	Lb.....	NONF 2	1	667000	Gallium metal.	Lb.....	NONF 7	None
644900	Brass and bronze bars, rods and unfinished shafting (formerly 644801), and brass and bronze structural shapes (formerly 647906).	Lb.....	NONF 2	1	669198	Polonium metal.	Lb.....	NONF 7	None
645000	Brass and bronze plates, sheets, and strips (report window strip and shapes in 647998).	Lb.....	NONF 2	100		Type (include multigraph type) report type metal in 651510).	Lb.....	NONF 3	100
645300	Brass and bronze pipes and tubes (include pipe coils).	Lb.....	NONF 2	100	701300	Beryllium metal manufactures and beryllium alloy manufactures, including, but not limited to, castings, tubes, crucibles, and disks (report wire and sheets in 664905).		NONF 7	None
645430	Brass and bronze pipe fittings.	Lb.....	NONF 2	100					
645700	Wire, bare and insulated, brass and bronze.	Lb.....	NONF 2	100					
647913	Brass and bronze castings and forgings.	Lb.....	NONF 2	25	707410				
647998	Brass and bronze blanks (formerly 644805).	Lb.....	NONF 2	25		Induction furnaces, vacuum metal-melting only, and component parts therefor.		SATE	None
647998	Bronze circles (formerly 647919).	Lb.....	NONF 2	1	707555 709419 709420	X-ray windows containing beryllium.	Lb.....	BLDG 5	100
<b>LEAD AND MANUFACTURES</b>									
650406	Lead ore, concentrates, matte and base bullion (lead content).	Lb.....	NONF 3	25	709490	Conduit of iron or steel (formerly 709415).	Lb.....	BLDG 5	100
650500	Lead scrap (formerly 651598) (include fine dust, formerly 650406; and residues, formerly 651598).	Lb.....	NONF 3	25	709810	Other metal conduit (formerly 709418 and 709490).	Lb.....	BLDG 5	100
650750	Lead pigs and bars (formerly 650700) (include blocks and ingots).	Lb.....	NONF 3	100		Metal conduit fittings, including outlet and switchboxes.	Lb.....	BLDG 5	100
650750	Lead anodes (formerly 651520).	Lb.....	NONF 3	1	709830	Insulated copper wire and cable:			
650800	Lead sheets (include strips, formerly 651598) and pipes (include bends).	Lb.....	NONF 3	100	709850	Building wire and cable, formerly 643500 (including rubber-covered building wire, formerly 643000) (report lamp cord in 709850).	Lb.....	NONF 1	1
651200	Solder.	Lb.....	NONF 3	1		Weatherproof wire and slow burning (formerly 643100).	Lb.....	NONF 1	1
651510	Type metal (formerly 651505).	Lb.....	NONF 3	100		Insulated copper wire, n. e. s. (formerly 643500), except rubber-covered lamp cord (formerly 643000) (report building wire in 709810).	Lb.....	NONF 1	1
651515	Antimonial lead (formerly 651505).	Lb.....	NONF 3	100					
651530	Foil, lead, and lead-tin (less than 0.006 inch in thickness).	Lb.....	NONF 3	25					
651537	Lead plate, or battery plate, not assembled as complete battery units.	Lb.....	NONF 3	25					
651598	Lead castings; calking yarn; circles; disks; flanges; plugs; powder; rings; metal packings; rings; roof flanges; sash weights; shots; shrapnel; sinkers; tape; washers; weights, except scale weights; wire; and wool (report lead strips in 650800 and scale weights in 775098).	Lb.....	NONF 3	25	731100 731150 733910				
<b>MINING, WELL, AND PUMPING MACHINERY</b>									
						Rock drills, when containing diamonds.	Unit.....	CONS 1	None
						Rock drill bits, detachable (formerly 733900), when containing diamonds.	Unit.....	CONS 1	None
						Other mining and quarrying machinery (formerly 733900), when containing diamonds (report drill bits in 731150).	Unit.....	CONS 1	None

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
	MINING, WELL AND PUMPING MACHINERY—continued					MEDICINAL AND PHARMACEUTICAL PREPARATIONS—continued			
733990	Parts for mining and quarrying machinery (formerly 733900), when containing diamonds.	Unit.....	CONS 1	None	813588	Quinidine alkaloid and quinidine salts and compounds (formerly 812750).	Av. oz....	DRUG	*None
734240	Diamond bits for oil or gas well drilling (formerly 734200).	Unit.....	CONS 1	None	813593	Radium salts and compounds for medical use (formerly 813590) (state radium content).	.....	DRUG	None
	METALWORKING MACHINERY				813593	Radon (radium emanations) (formerly 813590).	.....	DRUG	None
745503	Diamond dies for power-driven metalworking machinery.	Unit.....	TOOL 1	None	813593	Chemicals containing artificial radioactive isotopes (formerly 813590).	.....	DRUG	None
	OTHER INDUSTRIAL MACHINERY								
759300	Milk-shipping containers (5 gals. or over)....	Lb. and unit.	CONT 1	100					
770810	Mechanical (dry) vacuum pumps: With a theoretical displacement at normal operating speeds of 20 cubic feet per minute or more and capable of producing a vacuum of 1 millimeter of mercury pressure absolute.	Unit.....	GIEQ 1	None	814500	Reagent chemicals for laboratory use (C. P., U. S. P., N. F., A. C. S. or other recognized reagent grades only) (formerly 82970).			
770870	Diffusion vacuum pumps: 5 inches in diameter and larger (diameter measured inside the barrel at the inlet jet).	Unit.....	GIEQ 1	None					
770880	Steam jet ejectors, 4 stages and over, accessories and parts (report steam jet ejectors under 4 stages, accessories and parts, in 713500).	.....	GIEQ	None		CHEMICAL SPECIALTIES			
774020	Diamond penetrators.	.....	GIEQ 1	None	820600	Naphthalene balls and flakes.	Lb.....	INST	100
775050	Electrolytic cells (commonly called fluorine cells) (formerly 775098).	.....	GIEQ 1	None	820810	Organic rubber compounding agents (not of coal-tar origin):	Lb.....	DYES 3	100
775098	Parts for mechanical (dry) vacuum pumps with a theoretical displacement at normal operating speeds of 20 cubic feet per minute or more and capable of producing a vacuum of 1 millimeter of mercury pressure absolute.	.....	GIEQ 1	None	820850	Accelerators.	Lb.....	DYES 3	100
775098	Parts for diffusion vacuum pumps, 5 inches in diameter and larger (diameter measured inside the barrel at the inlet jet).	.....	GIEQ	None	820890	Antioxidants.	Lb.....	DYES 3	100
775098	Diamond penetrator parts.	.....	GIEQ	None	820980	Rubber compounding agents, n.e.s.	Lb.....	DYES 3	100
775098	Lead scale weights (formerly 651598).	Lb.....	GIEQ	None	820990	Diffusion pump oils (oils enabling the attainment of vacuum of 10 <sup>-4</sup> millimeters of mercury pressure absolute in a single stage diffusion pump) (include silicone diffusion pump fluids).	Lb.....	DYES	25
	AGRICULTURAL MACHINERY AND IMPLEMENTS				820990	Silicone grease compounds.			
780200	Milk shipping cans (less than 5 gals).....	Lb. and unit.	CONT 1	100		INDUSTRIAL CHEMICALS			
	RAILWAY CARS								
796600	Freight cars, over 10-ton capacity, new....	Unit.....	TRAN 1	None					
796750	Mine, industrial and other freight cars, not over 10-ton capacity, new.	Unit.....	TRAN 1	None	835700	Chromic acid.	Lb.....	SALT	25
796800	Air-brake equipment, and parts.	.....	TRAN 1	100	835900	Anhydrous hydrofluoric acid.	Lb.....	ACID	100
796900	Parts for railway cars (report axles and wheels in 610515, 610518, 610525, 610528, 610535, and 610538) except: car power units and parts; car replacers and parts; dashlights and parts, for railway motor cars; illuminating lights and parts; inspection car parts; maintenance car parts; pinlock brakes and parts; power units, for electric and railway motor cars; push car parts; release handles and parts; sleet cutters; track-inspection car parts; trackless trolley parts; tram parts, electric; trolley retrievers and parts; truck parts, railroad, gasoline; and velocipede railway parts.	.....	TRAN 1	100	831100	Ethylene glycol.	Lb.....	DYES	25
	COAL-TAR PRODUCTS				831450	Glycerin (100% glycerin basis) (formerly 831400).	Lb.....	DYES 2	100
800500	Crude and refined coal tar.	Gal.....	DYES 1	100	831450	Glycerin, crude (formerly 831500).	Lb.....	DYES 2	100
800600	Benzol.	Gal.....	DYES 1	100	835790	Potassium compounds, except fertilizers (report potash fertilizer materials in 853000 and 853100):	Lb.....	SALT	25
802005	Naphthalene (crude and refined) (formerly 802000).	Lb.....	DYES 1	100	835900	Potassium bichromate and chromate.	Lb.....	SALT	100
802300	Phenol.	Lb.....	DYES 1	100	836900	Potassium perchlorate and mixtures.	Lb.....	SALT	100
802400	Cresylic acid and cresols (natural and synthetic) (formerly 802400).	Lb.....	DYES 1	1	837900	Sodium bichromate (formerly 837900).	Lb.....	FERT	100
802500	Meta cresol.	Lb.....	DYES 1	1	837990	Sodium nitrate (formerly 837900).	Lb.....	DRUG	None
802500	Ortho cresol.	Lb.....	DYES 1	1	838100	Sodium bismuthate (formerly 837900).	Lb.....	PLAT	1
802500	Para cresol.	Lb.....	DYES 1	1	838400	Tin compounds (formerly 839600).	Lb.....	FERT	100
802500	Rubber compounding agents of coal-tar origin:				838500	Ammonium nitrate.	Lb.....	FERT	100
802810	Accelerators.	Lb.....	DYES 3	100	838500	Ammonium sulfate.	Lb.....	FERT	100
802850	Antioxidants.	Lb.....	DYES 3	100	838500	Urea (except synthetic resins and fertilizers).	Lb.....	FERT	100
802800	Other rubber compounding agents of coal-tar origin, n. e. s.	Lb.....	DYES 3	100	839100	Urea ammonium salts.	Lb.....	FERT	100
	MEDICINAL AND PHARMACEUTICAL PREPARATIONS				839100	Freons, 11 and 12.	Lb.....	SALT 1	100
813583	Bismuth salts compounds: Bulk, in all forms:	Lb.....	DRUG 1	25	839100	Other freons.	Lb.....	SALT 1	25
813583	Bismuth subcarbonate (formerly 813590 and 839900).	Lb.....	DRUG 1	25	839500	Fluorine.	Lb.....	SALT	None
813583	Bismuth subgallate (formerly 813590).	Lb.....	DRUG 1	25	839500	Genetrons.	Lb.....	SALT	25
813583	Bismuth subnitrate (formerly 813590 and 839900).	Lb.....	DRUG 1	25	839610	Antimony oxides (tri-, tetra-, penta-) (formerly 839900).	Lb.....	PLAT 2	100
813583	Bismuth subsalicylate (formerly 813590 and 839900).	Lb.....	DRUG 1	25	839610	Antimony sulfide (formerly 839900).	Lb.....	PLAT 2	100
					839900	Actinium bearing salts and compounds.	.....	SALT	None
					839900	Battery oxide.	.....	PLAT 1	100
					839900	Beryllium salts and compounds (including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulphate, beryllium carbonate).	.....	SALT	None
					839900	Chemicals containing artificial radioactive isotopes.	.....	DRUG	None
					839900	Deuterium and deuterium compounds, including heavy water.	.....	SALT	None
					839900	Fluorocarbons (completely fluorinated materials).	.....	SALT	25
					839900	Gallium salts and compounds.	.....	SALT	None
					839900	Polonium bearing salts and compounds.	.....	SALT	None
					839900	Radium ore concentrates.	.....	DRUG	None
					839900	Radium salts and compounds (radium content).	.....	DRUG	None
						PIGMENTS, PAINTS, AND VARNISHES			
					842310	Carbon black, contact (include channel).	Lb.....	PLAT 3	100
					842350	Carbon black, furnace.	Lb.....	PLAT 3	100
					842400	Red lead, dry.	Lb.....	PLAT 1	100
					842500	Litharge.	Lb.....	PLAT 1	100
					843800	Paints containing radium.	Gal.....	PLAT	None
						FERTILIZERS AND FERTILIZER MATERIALS			
					850500	Nitrogenous fertilizer materials:			
					850700	Ammonium sulfate.	Lb.....	FERT 3	100
					850700	Sodium nitrate, n. e. s.	Lb.....	FERT 3	100

\*When an asterisk precedes the GLV dollar-value limit for any commodity, all forms, conversions, and derivatives of the commodity, even though not covered by the Schedule B number for the entry, are subject to the value limitations specified.

## RULES AND REGULATIONS

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
<b>FERTILIZERS AND FERTILIZER MATERIALS—continued</b>									
850800	Ammonium nitrate as fertilizer (formerly 850900).	Lb.....	FERT 3	100		MISCELLANEOUS COMMODITIES N. E. S.			
850900	Calcium cyanamide.....	Lb.....	FERT 3	1		Commodities exported for relief or charity by individuals and private agencies: (The following classifications are not used for exports for relief or charity by U. S. Government agencies or by UNRRA, except for exports of used clothing, blankets, and bedding by such agencies, which are reported under 999820 or 999830. All other exports by U. S. Government agencies or by UNRRA, including new clothing, blankets, and bedding are reported under their specific Schedule B numbers):			
850900	Calcium nitrate.....	Lb.....	FERT 3	100		Food.....			
850900	Urea.....	Lb.....	FERT 3	100		Clothing.....			
850900	Other nitrogenous chemical materials.....	Lb.....	FERT 3	100		Blankets and bedding.....			
851000	Nitrogenous organic waste materials (include fish meal, hoof meal, guano, castor-bean pomace, manures, packing-house offal intended for fertilizer). Potash fertilizer materials:	Lb.....	FERT 3	100		Drugs and biological supplies.....			
853000	Potassium chloride <sup>1</sup> .....	Lb.....	FERT 3	100		Surgical, sanitary and hospital supplies and equipment.....			
853100	Potassium sulfate <sup>1</sup> .....	Lb.....	FERT 3	100		Ambulances and other motor equipment.....			
854100	Ammonium phosphates (formerly 854000).....	Lb.....	FERT 3	100	General merchandise valued at less than \$25. This commodity number is applied to:				
854900	Other nitrogenous phosphatic types (formerly 854000).....	Lb.....	FERT 3	100	(a) All single items of Schedule B commodities valued at less than \$25.				
855100	Prepared fertilizer mixtures manufactured principally for use in the production of general agricultural crops (such as 4-12-4, 5-10-5, etc.), not including premium-type plant foods such as Vigoro, Cipps Plant Food, Nitrophaska and other prepared fertilizer mixtures used primarily for truck crops, gardens and lawns.	Lb.....	FERT 3	300	(b) All totals of Schedule B commodities, single items of which are valued at less than \$25, including shipments to postmasters or other agents for distribution at destination.				
<b>SCIENTIFIC AND PROFESSIONAL INSTRUMENTS, APPARATUS AND SUPPLIES</b>									
915000	Diamond disk points and other dental instruments containing diamonds.	-----	SATE	None					

<sup>1</sup> May be exported under general license to the Philippine Islands and to all destinations in North America and South America as listed in Schedule C of the Bureau of the Census.

## GENERAL NOTES TO APPENDIX A

The Positive List of Commodities includes those commodities which require a validated export license from the Department of Commerce for shipment to Group O destinations. (Commodities licensed by other agencies of the Government are described in §§ 370.5, 370.6, and 370.7.) Certain commodities on the Positive List, however, do not require a validated license for export to certain Group O destinations. These commodities are identified by footnote references. (All commodities, whether on the Positive List or not, require an export license for shipment to Group R destinations unless shipment may be made under one of the general licenses described in Part 371.)

Commodities are listed in numerical order by Schedule B numbers, which appear in the first column of the table. These numbers correspond with those shown in the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and must be shown on all export license applications.

For each commodity there is a four-letter code index (MEAT, DAPF, CERL). This processing code, followed by the letter "L," must be shown on all license applications covering commodities on the Positive List. Its use speeds the routing and processing of these documents. Applications for licenses to export non-Positive List commodities should show the appropriate processing code for each commodity, immediately followed by the letter "R." (For complete list of processing codes for all commodities, see § 399.3.)

A number follows the processing code in many instances. It is the related commodity group number and indicates that all commodities, having the same processing code and number may be entered on a single application for individual export license when they are destined to one consignee. For example, all commodities coded NONF 1 may be entered on one application. Those having different codes (NONF 1 and NONF 2 or NONF 2 and SEED 2) must be listed on separate applications. (See § 372.2 (c) for complete information on the export of related commodities on individual license.) (See also Part 375 for provisions concerning com-

modity processing codes and related commodity groups applicable to exportations under the BLT license procedure.)

Where the commodity description of a Schedule B number on the Positive List of Commodities mentions only a part of the commodities covered by the Schedule B listing, only the commodity or commodities specifically mentioned are included on the Positive List.

The quantity classifications given for each commodity in the column headed "Unit" must be shown on export license applications. If there is no entry in the Unit column, the application should show the unit of quantity commonly used in the trade.

The column headed "GLV Dollar-value Limits" has reference to the value limits under the general license, Shipments of Limited Value, GLV, established by § 371.10.

For complete listing of commodity processing codes referred to in the column headed "Processing Code and Related Commodity Groups," see § 399.3. Related commodities are commodities which have the same processing code symbol and the same number following such symbol.

The abbreviation "n. e. s." appearing in the various entries on the Positive List of Commodities means "not elsewhere specified."

## § 399.2 Appendix B; Interpretations: Positive List of Commodities.

## INTERPRETATION 1: PIPE: CASING, OIL-LINE, AND SEAMLESS

(1) Casing and oil-line pipe and seamless black pipe (except casing, oil-line and boiler), Schedule B Nos. 606250, 606290, 606350, 606390, and 606400, have in the past been exported in considerable quantities under general license as pump installation parts. Such shipments were permissible since pump installation parts do not require validated licenses for export. However, in view of the critical supply of pipe and casing, it is necessary to set forth a limitation on the quantity of these commodities that may be exported under general license as pump installation parts.

(2) It has been decided, therefore, that a maximum of 250 feet of pipe or casing may be exported under general license as part of a pump installation, regardless of pump ca-

pacity. Pipe or casing shipped as pump installation parts in quantities exceeding the 250-foot maximum require validated licenses for export.

## INTERPRETATION 2: EXPORT OF NAILS PACKAGED WITH ASPHALT ROOFING OR ASBESTOS ROOFING OR SIDING

Wire nails, classified under Schedule B No. 609200, and certain roofing and siding nails, classified under Schedule B No. 609500, require a validated license for export. However, small quantities of galvanized needle point nails, not to exceed  $\frac{1}{2}$  pound, when packaged with each square of asbestos roofing, or an amount not to exceed  $1\frac{1}{4}$  pounds special alloy nails, when packaged with each square of siding, may be exported to any destination with the roofing or siding without additional specific license.

The Bureau of the Census has ruled that nails in quantities customarily packaged with each square of roofing or siding are not classified under Schedule B Nos. 609200 or 609500, but are included in the classification of the roofing or siding which are the commodities of chief value in the shipments.

## INTERPRETATION 3: EXPORT OF STEEL BALE TIES, STRAPS, AND STRAPPING

(1) The following Schedule B numbers cover and include, among other things, steel bale ties, straps, and strapping, as described below:

Schedule B No.	Commodity
609101	Bale ties, wire, iron and steel (the wires are cut to length and fabricated to form a means of fastening the two ends together). Straps or strapping of strip steel, cut to length, or not cut to length (including cotton bale ties and other bale ties of strip steel, not fitted with buckles):
603710	Cold-rolled carbon steel.
603810	Hot-rolled carbon steel.
620998	Straps or strapping, strip steel (including cotton bale ties and other bale ties of strip steel), cut to length and fitted with buckles or accompanied by equal number of buckles.

Schedule B No.	Commodity
620998	Buckle or connectors for fastening bale ties, not bundled with bale ties or straps.

(2) The foregoing interpretation is issued as a clarification of the commodity descriptions relating to the above-listed Schedule B numbers. It does not change the provisions of Parts 370 to 399, inclusive, governing the exportation of these commodities.

(3) It is to be noted that all of the commodities described above in paragraph (1), except those described above with respect to Schedule B No. 620998, are included on the Positive List.

**INTERPRETATION 4: EXPORT OF MACHINES CONTAINING A TOOL OR DEVICE INCORPORATING DIAMONDS**

(1) Machines containing as an integral part thereof a tool or device incorporating diamonds are included on the Positive List, and a validated license is required for export of such a machine to any foreign destination.

(2) This interpretation in no way changes the special provisions for diamonds set forth in § 373.9.

**§ 399.3 Appendix C; Commodity processing codes.** The following commodity processing code symbols shall be used by applicants in preparing applications for export licenses. Applications for licenses to export commodities appearing on the Positive List shall show the appropriate processing code for each commodity, immediately followed by the letter "L"; applications for licenses to export non-Positive List commodities shall show the appropriate processing code for each commodity, immediately followed by the letter "R".

**Commodity Group**

Schedule B No.	Animals, Edible	Processing code
001000-001600		MEAT
001900		DAPF

**Meat Products**

002000-003800	MEAT
003901	DAPF
003908-003909	MEAT
004000	DAPF
004100-004998	MEAT

**Animal Oils and Fats, Edible**

005000-005600	FATS
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**Dairy Products**

006000-006998	DAPF
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**Fish and Fish Products**

007000-008998	DAPF
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**Other Edible Animal Products**

009200-009398	DAPF
009400-009900	MEAT

**Hides and Skins, Raw, Except Furs**

020102-025098	LEAT
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**Leather**

030050-035900	LEAT
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**Leather Manufactures**

060000-069900	LEAT
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**Furs and Manufactures**

071100-075900	TEXT
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**Animal and Fish Oils and Greases, Inedible**

080300-085898	FATS
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**Commodity Group**

**Other Inedible Animals and Animal Products**

Schedule B No.	Processing code
090000-090900	MEAT
092300-092900	TEXT
093500-094298	CDGS
099905	NATS
099920	CDGS
099998	MEAT

**Grains and Preparations**

101100 (Barley, except seed)	CERL
101100 (Barley for seed)	SEED
101200-101300	CERL
102100 (Buckwheat, except seed)	SEED
102100 (Buckwheat for seed)	CERL
103150	SEED
103170	CERL
103200-103700	SEED
104100 (Oats, except seed)	CERL
104100 (Oats for seed)	SEED
104300-104400	CERL
105500 (Paddy or rough rice, except seed)	CERL
105500 (Paddy or rough rice for seed)	SEED
105710-105800	CERL
106100 (Rye, except seed)	SEED
106100 (Rye for seed)	SEED
107100 (Wheat, except seed)	CERL
107100 (Wheat for seed)	SEED
107300-109900	CERL

**Fodders and Feeds, N. E. S.**

110100-119900	CERL
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**y Vegetables and Preparations, Edible**

120110	VEGT
120150	SEED
120213 (Cowpeas, except seed)	VEGT
120213 (Cowpeas for seed)	SEED
120215 (Chick peas, dry, ripe, except seed)	VEGT

**120215 (Chick peas for seed)**

120219	VEGT
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**120250**

120710-121000	VEGT
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**121100 (Potatoes, white, except seed)**

121100 (Potatoes, white, for seed)	SEED
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**121300-122480**

122470 (Sweet potatoes, except seed)	VEGT
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**122470 (Sweet potatoes for seed)**

122490-125100	VEGT
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**125210**

125295-125600	VEGT
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**125911**

125998	VEGT
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**Fruits and Preparations**

130100-135098	VEGT
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**Nuts and Preparations**

137400	SUBT
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137510 (Peanuts, shelled, for planting)	SEED
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137510 (Peanuts, shelled, other)	FATS
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137550 (Peanuts, not shelled, for planting)	SEED
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137550 (Peanuts, not shelled, other)	FATS
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137610-137995	SUBT
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**Vegetable Oils and Fats, Edible and/or Refined**

142000-144998	FATS
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**Table Beverage Materials**

150100-151390	SUBT
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**Spices**

154901-154998	SUBT
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**Sugar and Related Products**

161905-164710	SUBT
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**Beverages**

170100-178000	SUBT
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**Rubber (Natural, Allied Gums, and Synthetics) and Manufactures**

200100-209990	RUBR
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**Commodity Group**

**Naval Stores, Gums, and Resins**

Schedule B No.	Processing code
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211000-212550	NATS
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218000	RUBR
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218600-218998	NATS
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**Drugs, Herbs, Leaves, and Roots, Crude**

220100-220600	NATS
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220904	DRUG
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220911	NATS
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220919-220939	INST
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220988	NATS
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**Oilseeds**

221000 (Soybeans for planting)	SEED
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221000 (Soybeans, other, except canned).	FATS
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222001 (Castor beans for planting)	SEED
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## RULES AND REGULATIONS

Commodity Group		Commodity Group		Commodity Group	
Synthetic Fibers and Manufactures		Other Nonmetallic Minerals (Precious Included) — Continued		Copper and Manufactures	
Schedule B No.	Processing code	Schedule B No.	Processing code	Schedule B No.	Processing code
883005-385900	TEXT	545960-545998	BLDG	640100-643998	NONF
Miscellaneous Textile Products		547000	NONF	Brass and Bronze Manufactures	
390100-395800	TEXT	547100	BLDG	644000-645430	NONF
396300	CDGS	547210-547300	NONF	645600	BLDG
397000-399900	TEXT	547400	ELME	645700	NONF
Wood, Unmanufactured		547800	FILM	646900	CDGS
400100-403900	LUMB	548050-548350	NONF	647901-647913	NONF
Sawmill Products		548500-549010	BLDG	647998 (Brass and bronze blanks and circles)	NONF
405116-415927	LUMB	551000-551300	NONF	647998 (Other brass and bronze manufactures, n. e. s.)	CDGS
Wood Manufactures		571400-571500	NATS	Lead and Manufactures	
416114-418000	LUMB	572250	NONF	650406-651598	NONF
419104-419708	CONT	572400	SUBT	Nickel and Manufactures	
420110-420600	LUMB	573600-573700	NONF	654501-654998	NONF
420910-422950	CONT	588000	CDGS	Tin and Manufactures	
420990-422800	LUMB	595050-595C90	RARA	656502-656598	NONF
423000-423100	CDGS	596012-596020	NONF	Zinc and Manufactures	
423990 (Prefabricated panels and sections),	ELDG	596025	PETR	657010-658998	NONF
423990 (Other millwork and house fixtures).	LUMB	592095-596098	NONF	Other Nonferrous Ores, Metals, and Alloys, Except Precious	
424030	ELDG	599005-599098	CDGS	661000-664998	NONF
424050-424070	LUMB	Iron Ore and Concentrates		665000	CDGS
424300-427000	CDGS	600100	STEE	667000-669198	NONF
428500-429480	LUMB	Steel Mill Products		Precious Metals and Plated Ware, Except Jewelry, Precious Metals for Dentistry, Gold and Silver Ore, Bullion, and Coin <sup>1</sup>	
429500-429900	CDGS	600700-601090	STEE	692000-692209	NONF
Cork and Manufactures		601300-601500	TNPL	692905	CDGS
430000-430900	LUMB	601550-603600	STEE	692998	NONF
Paper Base Stocks		603710-603890 (Venetian blind strip, in coils or cut to length, baked enameled, not exceeding 2½ inches in width nor 0.015 inch in thickness).	CDGS	695500-699700	CDGS
460000-469998	PULP	603710-603890 (Other strip, hoop, band and scroll, iron and steel).	STEE	Electrical Machinery and Apparatus	
Paper, Related Products, and Manufactures		604000-604200	TNPL	700000-701200	ELME
480100-487100	PULP	604300-604500	STEE	701300	TRAN
487200-487500	CONT	604600 (Prefabricated houses, steel).	BLDG	701400	ELME
487700-489900	PULP	604600 (Other structural shapes, fabricated).	STEE	701600-701800	CDGS
Coal and Related Fuels		604750-604790	STEE	701900-704510	ELME
500100-500400	COAL	604800-604900	BLDG	704520	TRAN
Petroleum and Products		605000-606798	STEE	704530-705698	ELME
501100-505900	PETR	606805-606898	BLDG	705710-705755	RARA
Stone, Hydraulic Cement, and Lime		607000-608500	STEE	706000	CDGS
510100-517000	BLDG	608610-608690	BLDG	706100-706590	RARA
517100	FERT	608710-610800	STEE	706600-706700	ELME
Glass and Products		Iron and Steel Manufactures		706812-707390	RARA
521200-522000	BLDG	611200-612100	CDGS	707395-707492	ELME
523098	CDGS	612200	TNPL	707510-707590	SATE
523110-523130	SATE	612400-612500	BLDG	707612-708100	RARA
523150	BLDG	612600-613700	CDGS	708400-708900	ELME
523210-523600	CONT	613900-615280	BLDG	709200	TRAN
523710-529100	CDGS	615310-615420	CDGS	709300	ELME
529200	ELME	615517-615605	TOOL	709419-709607	BLDG
529300-529900	CDGS	615698-619090	CDGS	709698	RARA
Clay and Products		619100	GIEQ	709700	ELME
530300-530912	NONF	619200	CDGS	709810-709850	NONF
523010-532050	CDGS	620000-620933	STEE	709890-709998	ELME
533200-533400	BLDG	620950	BLDG	Engines, Turbines and Parts, N. E. S.	
533700-533800	CDGS	620998	CDGS	711100-711300	GIEQ
536100-537600	BLDG	Ferro-Alloys		711400-712000	TRAN
537800	CDGS	621303-622098	STEE	712900-713200	GIEQ
Other Nonmetallic Minerals (Precious Included)		Aluminum and Manufactures		714000-714250	TRAN
540600-540905	TOOL	629000-630150	NONF	714300-715900	GIEQ
540910	CDGS	630301 (Venetian blind strip, in coils or cut to length, baked enameled, not exceeding 2½ inches in width nor 0.015 inch in thickness).	CDGS	716300	ELME
540930-540940	NONF	630301 (Other aluminum sheets, plates, and strips).	NONF	719900	GIEQ
540950	CDGS	630305-630600	NONF	Construction and Conveying Machinery	
540990-541140	NONF	630700	CDGS	720110-722900	CONS
541150	CDGS	630850	NONF	723100 (Concrete dock machines)	GIEQ
541210-541220	TOOL	630910-630950	BLDG		
541400-541820	CDGS	630998 (Aluminum prefabricated houses).	BLDG		
542000-542010	STEE	630998 (Other aluminum and aluminum alloy manufactures, n. e. s.).	CDGS		
545110-545150	NONF				
545400	BLDG				
545510	TEXT				
545550	BLDG				
545600-545910	TRAN				

<sup>1</sup> No Schedule B number is assigned to silver bars and ingots, which are not included in the merchandise total of United States foreign trade statistics but are shown in separate tables. Applications covering this commodity should show processing code NONF.

Commodity Group		Commodity Group		Commodity Group	
Construction and Conveying Machinery—Continued		Chemical Specialties—Continued		Explosives, Fuses, and Blasting Caps	
Schedule B No.	Processing code	Schedule B No.	Processing code	Schedule B No.	Processing code
723100 (Other construction equipment and parts, n. e. s.).	CONS	825510-825540	DYES	860100-862900	PLAT
723410-724900	CONS	825710-825790	PLAT		
725000-725050	GIEQ	825910-825990 (Bristles and bristle filament).	CDGS		
729100	CONS	825910-825990 (Other synthetic gums and resins, n. e. s.).	PLAT		
<i>Mining, Well, and Pumping Machinery</i>		826200-827200	PLAT		
730500-736990	CONS	827300-829000	SALT		
<i>Metalworking Machinery</i>		829100	LEAT		
740005-745898	TOOL	829200	FOOD		
<i>Textile, Sewing, and Shoe Machinery</i>		829300-829400	SALT		
750010-754900	GIEQ	829550	SUBT		
755105-755107	RARA	829590	DYES		
755205-757500	GIEQ	829600	NATS		
<i>Other Industrial Machinery</i>		829700	SALT		
759200	GIEQ	829810-829890	DYES		
759300 (Milk shipping containers)	CONT	829910	PLAT		
(Other dairy equipment for commercial use).	GIEQ	829930	SALT		
760000-774200	GIEQ	829950	NATS		
774300-774350	CDGS	829980	DYES		
774430-775098	GIEQ	829985	SALT		
<i>Office Appliances</i>		829990 (Silicone grease compounds).	DYES		
775200-777990	CDGS	829990 (Other chemical specialty compounds, n. e. s.).	SALT		
<i>Printing and Bookbinding Machinery</i>		<i>Industrial Chemicals</i>			
779000-779500	PRIN	830010-830300	DYES		
<i>Agricultural Machinery and Implements</i>		830700	ACID		
780100	FARM	830910	SALT		
780200 (Milk shipping cans)	CONT	830930-830980	ACID		
780200 (Other dairy equipment for farm use).	FARM	831000-832970	DYES		
780400-784120	FARM	832980	PLAT		
784200	CDGS	832990	DYES		
784400-788905	FARM	833600-836400	SALT		
<i>Automobiles, Parts, Accessories, and Service Equipment</i>		836500-836600	ACID		
790010-793198	TRAN	836700-836900	SALT		
<i>Aircraft, Parts, and Accessories</i>		837310-837330	ACID		
793210-794950 (Licensed by State Department).	TRAN	837700-837950	SALT		
794960	TRAN	837990 (Sodium bismuthate)	DRUG		
<i>Other Vehicles and Parts</i>		837990 (Sodium nitrate)	FERT		
795000	CDGS	837990 (Other sodium compounds, n. e. s.).	SALT		
795200	TRAN	838100	PLAT		
795300	CDGS	838400-838500	FERT		
795400-795550	TRAN	839000-839500 <sup>2</sup>	SALT		
795620-795689 (Licensed by State Department).	TRAN	839610	PLAT		
796000-797500	TRAN	839722	SALT		
799100	CDGS	839900 (Chemicals containing artificial radioactive isotopes).	DRUG		
799500	TRAN	839900 (Lead antimonate, lead arsenite, lead dioxide).	PLAT		
799610-799670 (Licensed by State Department).	TRAN	839900 (Radium ore concentrates, radium salts, and compounds).	DRUG		
799983	TRAN	839900 (Other industrial chemicals, n. e. s.).	SALT		
799988 (Boat, vessel, wagon, and other vehicle parts).	TRAN	<i>Pigments, Paints, and Varnishes</i>			
799988 (Other miscellaneous parts).	CDGS	840100-844500	PLAT		
<i>Coal-Tar Products</i>		<i>Fertilizers and Fertilizer Materials</i>			
800500-800600	DYES	850500-855100	FERT		
800700	PETR				
801000-806998	DYES				
<i>Medicinal and Pharmaceutical Preparations</i>					
811100	FATS				
811300-818000	DRUG				
<i>Chemical Specialties</i>					
820010-820900	INST				
823000	CERL				
823300-825000	SALT				
825100-825390	PLAT				
825410-825490 (Bristles and bristle filament).	CDGS				
825410-825490 (Other vinyl resins)	PLAT				

**§ 399.4 Appendix D; Related commodity groupings for non-Positive List commodities to group R destinations; single license applications.**

	Commodities	Processing code	Schedule B No.
Group 1.	Leather manufactures.	LEAT	060000-069900.
Group 2.	Rubber, natural, allied gums, and synthetic.	RUBR	200100-201200.
Group 3.	Rubberized cloth.	RUBR	201600-201700.
Group 4.	Rubber footwear and canvas shoes with rubber soles.	RUBR	203100-203400.
Group 5.	Rubber soles heels, and top lifts sheets.	RUBR	203600-203800.
Group 6.	Druggists' rubber sundries.	RUBR	203900-204200.
Group 7.	Rubber balloons, toys, and balls (except golf and tennis, and rubber erasers (except pencil plugs)).	RUBR	204500-204900.
Group 8.	Hard rubber goods, except druggists' sundries.	RUBR	205300-205900.
Group 9.	Tires, tire casings, and tubes.	RUBR	206000-206700.
Group 10.	Tire sundries and repair material, rubber and friction tape, except medicated and rubber fan belts for automotive and home appliances.	RUBR	206905-208550.
Group 11.	Rubber and balata belts and belting (except rubber fan belts for automotive and home appliances), rubber hose and tubing, packing, mats, matting, flooring, and tiling.	RUBR	208610-209400.

<sup>2</sup> Many of the gases classified under Schedule B Nos. 839400 and 839500 are licensed by the Department of State. See § 370.5.

## RULES AND REGULATIONS

Commodities	Processing code	Schedule B No.	Commodities	Processing code	Schedule B No.
Group 12... Rubber thread.....	RUBR	20650-206520,	Optical goods; X-ray and electrical therapeutic apparatus and parts; military, surveying, and engineering instruments; dental equipment and supplies; sterilizers, surgical and medical instruments, surgical appliances, and surgical, sanitary, and hospital supplies and equipment.	SATE	523110, 523130, 707510-1, 707555, 91420-91440, 91440-914681, 915000,
Group 13... Gutta-percha manufactures, latex or other forms of rubber and other compounds or processed rubber.	RUBR	20960-209800,	Iron or steel conduit; other conduit and fittings; metal conduit fittings.	BLDG	709419-709490.
Group 14... Naval stores, gums, and resins.....	NATS	211000-212550, 21800-218088,	Fluorescent fixtures and parts.	BLDG	709805, 709807,
Group 15... Crude drugs and essential oils.....	NATS	229100-229600, 239111, 229588,	Domestic sewing machines and parts.	BLDG	753100-753107,
Group 16... Cotton manufacturers.....	TEXT	301610-308508,	Office machines.	CDGS	773200-773200,
Group 17... Wool manufacturers.....	TEXT	382005-385500,	Bicycles and parts, except tires, tubes and chains.	CDGS	785000-785300,
Group 18... Synthetic fibers and manufactures.....	LUMB	401000, 402000, 400400, 400005-	Scales, except precision scales and balances.	CDGS	774200-774350,
Group 19... Logs, bolts, batten timber, piling; poles, softwood lumber (except Port Oxford cedar); hardwood lumber; beech and pecan flooring, box, crates, and packages; aero grade and special grade veneers, laminated or built-up timbers; wood pipe and conduits; vats, tanks, and cooling towers; striking tool handles; handles, pulls, knobs, helveles, hafets, grips, and hacks, n. e. s.; panel slats, hattery separators and blinds other than Port Oxford cedar.	LUMB	400985, 403100, 405200, 403410, 403734- 405116, 405719, 410590, 409070-409800, 416114- 416184, 416224, 4121200, 413550- 4121005, 421005, 421067, 421741- 421870, 424050, 424070, 423880,	Printing and bookbinding machinery; printing plates and cuts.	PRIN	778000-778500, 9883000.
Group 20... Cork and manufacturers.....	CIDGS	420000,	Coal-tar endes and intermediates.	DYES	801100-8012000, 802400-802500,
Group 21... Wood pulp, except rayon and special chemical grades.	LUMB	430000-430900,	Coal-tar products.	DYES	802510-802500,
Group 22... Cork pulp, except rayon and special chemical grades.	PETR	460200-461900,	Synthetic flavors and finished coal-tar products, n. e. s.	DYES	803601-803600,
Group 23... Lubricating oils.....	BLDG	503200-504000,	Drugs and medicines.....	DRUG	812000-812581, 813385, 813387, 814300,
Group 24... Marble and other building stone and manufactures of stone, n. e. s.	BLDG	510100-512700,	Insecticides.	INST	820010-820000, 820101-822000,
Group 25... Cement and concrete and cement manufactures.....	BLDG	516400-517000,	Chemical specialties and salts.....	SALT	822000-822300, 822300-824500, 822730- 823000, 823000-824600, 823600-824600,
Group 26... Glass, window, and laminated glass.....	BLDG	521200-521700,	Organic, non-coal-tar.....	SALT	833700-1, 8337900,
Group 27... Roll and colored glass, glass brick and blocks.....	CDGS	521800, 522000, 523150,	Synthetic resins.	PLAT	839100-839200, 833600,
Group 28... Glass products.....	NONF	529100, 529000,	Organic, non-coal-tar.....	PLAT	839400-1, 839490, 822710-822700,
Group 29... Clay and products.....	BLDG	532300-532400, 530801, 530812,	Pigments, paints, and varnishes.....	PLAT	840100-841000, 841900-842350, 842800- 842900, 843100, 843210,
Group 30... Vitreous chinis, lavatories, sinks, other sanitary articles, sanitary fixtures, fittings, and parts, n. e. s.	BLDG	538100-539500, 538650-538890,	Fertilizer materials.	PLAT	8445800, 8445900,
Group 31... Chromite, magnetite, silica, high-alumina, and insulating fire bricks and shapes; fire bricks and shapes, n. e. s.; high-temperature cements and mortars, plastic refractories, and refractories, n. e. s.	BLDG	539800-537600,	Explosives.	PERT	850100-852000,
Group 32... Structural clay products, except pottery and refractories.	BLDG	545400, 546550, 545900, 545988,	Toiletries.	TOIL	852300-857300,
Group 33... Asbestos pipe covering and cement; asbestos packing; asbestos construction materials; and asbestos manufacturers, n. e. s.	BLDG	548500, 548700,	Musical instruments, parts, and accessories, except coin-operated phonographs.	CDGS	942010-945000,
Group 34... Gypsum board and lath; gypsum manufacturers, n. e. s.	NONF	549090-549400, 549900-541140, 545110- 545150, 547200, 547210-5472300,	Athletic and sporting goods and parts.	CDGS	947300, 948162,
Group 35... Other nonmetallic minerals.....	NONF	549450-549550, 549600-5413000,	Small arms (under .22 caliber) and ammunition.	CDGS	957700-958500,
Group 36... Sulfur.....	NATS	571400-571500,	Clocks and parts, and watches and parts, except jewel bearings.	CDGS	962000, 963300,
Group 37... Cast-iron soil pipe and fittings.....	STEEL	600805, 600898,	Jewelry and other personal ornaments.	BLDG	971100, 971290,
Group 38... Non-Positive List, commodities with the processing code STEEL.	STEEL	602010, 612000, 600100, 6017000,	Asphalt and other composition roofing.	CDGS	980900-981900,
Group 39... Bathubs, lavatories, sinks, etc., iron and steel, enamel.	BLDG	602050, 602500, 602540, 602580,	Buttons, except pearl or shell.	BLDG	981100, 971300,
Group 40... Metal furniture, except office.	CIDGS	612000-613000, 613600-613700,	Brushes, except toilet and household.	CDGS	982501, 982691,
Group 41... Metal office furniture.	CIDGS	613100-613400,			
Group 42... Cooking and heating stoves and central heating equipment and parts.	BLDG	613900-615280,			
Group 43... Hand tools.....	CIDGS	615310-615420, 615698-617890, 617895- 617898,			
Group 44... Hardware.	CIDGS	617900-618000,			
Group 45... Needles.	CIDGS	619010-619090,			
Group 46... Batteries.	CIDGS	620100-620180,			
Group 47... Refrigerators and parts (all types).	RARA	620710-620755, 620758, 620760,			
Group 48... Washing machines and parts; vacuum cleaners and parts.	RARA	620812-620860,			
Group 49... Electrical household appliances.....	RARA	706100, 707010, 707040,			
Group 50... Radio transmitting sets, parts, tubes, and accessories.	RARA	707612, 707615, 707628, 707640,			
Group 51... Radio receiving sets, parts, tubes, and accessories.	RARA	5056000, 70705-708100,			
1 Non-Positive List items only.					
1 Non-Positive List items with processing code STEEL.					

[Fourth General Revision of Export Regs.,  
Amdt. 1]  
**PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES**  
**COMMODITY QUOTAS AND TIME FOR SUBMISSION OF LICENSE APPLICATIONS**  
**SECTION 372.9 COMMODITY QUOTAS AND TIME FOR SUBMISSION OF LICENSE APPLICATIONS**

JUNE 1, 1949.  
[F. R. Doc. 49-4507; Filed, June 6, 1949; 8:48 a. m.]  
FRANCIS MCINTYRE,  
Assistant Director, Office of International Trade.

Assistants specified items only.  
Only items with processing code PLAT.  
Only items with processing code SALT.

This amendment was published as Subject II of Current Export Bulletin No. 527, dated May 13, 1949.

1. The following commodities are detailed from the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the second quarter, 1949:

Dept. of  
Comm.  
Sched.  
B No.

Commodity  
Boiler tubes, seamless.  
Boiler tubes, welded.  
Cast-Iron soil pipe.

606100  
606080  
606083

Tuesday, June 7, 1949

Dept. of Comm. Sched.	Commodity	Dept. of Comm. Sched.
B62988	Cast-iron soil pipe fittings.	
7C9419	Conduit of iron or steel.	
7C9420	Other metal conduit.	
TC9490	Metal conduit fittings, including outlet and switchboxes.	
33C910	Chromic acid.	Commodity
337700	Potassium bichromate and chromate.	Third quarter 1949

2. The submission dates for the following commodities in the table Time Schedules for Submission of Applications for the Exportation of Certain Commodities, for the third quarter, 1949, are amended as follows:

Department of Commerce Schedule B No.	Commodity	Time
608300	Barbed wire.....	At any time after May 22, 1949.
633001	Aluminum and aluminum-base alloys: Sheets, plates, and strips (0.006 inch in thickness and over), except "vention blind stock, baked enameled, not exceeding 2½ inches in width nor 0.015 inch in thickness, in coils or cut to length.)	May 23 to June 10.

This amendment shall become effective

May 13, 1949.

This amendment shall become effective as of May 13, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: May 11, 1949.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.

[F. R. Doc. 49-449; Filed, June 6, 1949;  
8:46 a. m.]

§ 373.10 Special provisions for calf and kip skins. Calf and kip skins, Schedule B Nos. 020602, 020604, 020702, and 020704, will be licensed for export in accordance with the licensing policy set forth in § 373.1 and the following special provisions:

(a) *Export quotas*—(1) Quantitative quotas. A portion of the quarterly export quotas will be allotted for licensing in each of the three months of the quarter.

(2) *Open-end (non-quantitative)* quotas. Applications to export calf skins, dry, Schedule B No. 020602, and kip skins, dry, Schedule B No. 020702, which are not the growth, production or manufacture of the United States, and which have been imported into the United States and stored in bonded warehouses, without a consumption entry having been made, will be considered without regard to quota limitations. *Provided*, Such applications are accompanied by the following certification:

I (we) hereby certify that the dry calf or kip skins covered by this application are not the growth, production, or manufacture of the United States; have been imported into the United States and are in bonded warehouses in the United States; and that no consumption entry for these commodities has been made at a United States customs house.

Other nonmetallic minerals (precious metals included): Mineral wax, natural; amorphous, except paraffin; cerasin, orange and white; Montan and Ozokerite.

Section 371.11 Personal baggage and personal effects baggage is amended in the following particulars:  
Subparagraph (1) *Foods and soaps of paragraph (c) Special provisions* is amended to read as follows:

(1) *Foods*. The combined total domestic retail value of meat and meat products shall not exceed \$50.00.

This amendment shall become effective May 27, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: May 11, 1949.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.

[F. R. Doc. 49-4501; Filed, June 6, 1949;  
8:46 a. m.]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES  
PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS  
MISCELLANEOUS AMENDMENTS

1. Section 373.10 Special provisions for calf and kip skins is amended to read as follows:

<sup>1</sup>This amendment was published as Subject I of Current Export Bulletin No. 528, dated May 20, 1949.

[Fourth General Revision of Export Regs., Amdt. 2]  
PART 371—GENERAL LICENSES  
GENERAL LICENSE "GRO"  
Section 371.8 General license "GRO" is amended in the following particulars:  
<sup>1</sup>This amendment was published as Subject I of Current Export Bulletin No. 527, dated May 13, 1949.

## FEDERAL REGISTER

[Fourth General Revision of Export Regs., Amdt. 4]

PART 371—GENERAL LICENSES  
PERSONAL BAGGAGE AND PERSONAL EFFECTS  
BAGGAGE

Section 371.11 Personal baggage and personal effects baggage is amended in the following particulars:  
Subparagraph (1) *Foods and soaps of paragraph (c) Special provisions* is amended to read as follows:

(1) *Foods*. The combined total domestic retail value of meat and meat products shall not exceed \$50.00.

This amendment shall become effective May 27, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: May 18, 1949.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.

[F. R. Doc. 49-4501; Filed, June 6, 1949;  
8:46 a. m.]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES  
PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS  
MISCELLANEOUS AMENDMENTS

1. Section 380.2 Amendments or alterations of licenses is amended in the following particulars:

1. Section 380.2 Amendments or alterations of licenses is amended in accordance with the following particulars:

## RULES AND REGULATIONS

Paragraph (b) *Procedure in requesting amendments* is amended to read as follows:

(b) *Procedure in requesting amendments.* Requests for amendments to licenses may be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C., or with the Office of International Trade, 42 Broadway, New York 4, New York. Such requests shall be made by submitting the following:

(1) The license which is to be amended. However, the license may be deposited with the collector of customs at the intended port of exit or with the nearest collector of customs.

**NOTE:** If licensees will deposit licenses to be amended with a collector of customs, it will enable the Office of International Trade to expedite the handling of notification of action on requests for amendment.

(2) A letter in duplicate, or a telegram setting forth the proposed amendment and reasons therefor. The letter or telegram requesting amendment must be signed by the licensee or an officer or duly authorized agent of the licensee, in the same manner as a license application. Where the license to be amended does not accompany the request for amendment, such letter or telegram shall contain the following information:

- (i) Name of applicant.
- (ii) Complete license number and OIT case number.
- (iii) Identity and address of the collector of customs, if any, with whom the license has been deposited.

(iv) Port from which shipment will be made, if known.

(3) Where the request for amendment involves a change in the purchaser or ultimate consignee on a license covering commodities for which evidence or certification of accepted orders must be submitted under the terms of § 373.1 (b), the licensee must also incorporate in his request for amendment such evidence or a certification that he holds an accepted order from the new purchaser or ultimate consignee.

(4) Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the letter or telegram requesting amendment shall explain fully the circumstances which prevented shipment to the original country of destination.

2. Section 380.3 *Expired, revoked, and unused licenses* is amended in the following particulars:

Paragraph (a) *Requests for renewal or extension of licenses* (including the note following paragraph (a)) is amended to read as follows:

(a) *Requests for extension of licenses—(1) Time for submission.* Licensees may submit requests for extension of the validity periods of licenses which expire before shipment has been made. It is essential that the request for extension be submitted sufficiently in ad-

vance of the expiration date to allow the Office of International Trade to send by regular mail an Advice of Amendment to the licensee and the collector of customs holding the license before the license expires. However, where unusual circumstances have made it impossible for the licensee to submit his request for extension before the expiration date, requests for extension will be considered if received within 21 days after the expiration date shown on the license.

(2) *Procedure in requesting extensions.* Requests for extension of the validity period of licenses must be submitted in the same manner as provided in § 380.2 with respect to amendments; and notification of the filing of such requests should be given to the collector, if any, with whom the license has been deposited. Requests for extension shall be accompanied by the expiring license unless it has been filed with the appropriate collector of customs. Where the expiring license does not accompany the request for extension, the following information must be supplied for identification purposes:

- (i) Name of applicant.
- (ii) Complete license number and OIT case number.
- (iii) Description of shipments made against license, if any.
- (iv) Collector of customs office where license is deposited.
- (v) Port from which shipment will be made.

(vi) If license has been previously extended, date of such extension.

When submitting requests for extension, licensees shall not submit new license applications (IT 419) unless specifically requested to do so by the Office of International Trade.

(3) *Justification for request and evidence of availability.* Persons requesting an extension of the validity period of licenses must state in the request why shipment was not or will not be made during the original validity period of the license, and whether the commodities described on the license are or are not immediately available to him. If the commodities are not in the possession of the licensee, he must furnish a letter from the supplier showing that the commodities will be available to the licensee within the extended validity period which he requests.

**NOTE:** If granted, the extension will be made in the same manner as other amendments. (See Note following § 380.2.)

When a collector of customs who is holding an expiring license is notified that a request for extension of the license has been filed in accordance with the foregoing provisions, the collector will hold the license for an additional 30 days, when he will return it to the Office of International Trade if during this period of grace the approved extension has not been received.

This amendment shall become effective May 27, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: May 18, 1949.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.  
[F. R. Doc. 49-4502; Filed, June 6, 1949;  
8:46 a. m.]

[Fourth General Revision of Export Regs.,  
Amdt. 6]

#### PART 379—EXPORT CLEARANCE SHIPPER'S EXPORT DECLARATION

Section 379.3 *Shipper's Export Declaration: Miscellaneous* is amended by adding thereto a new paragraph (c) to read as follows:

(c) *In-transit goods.* The following additional information shall be set forth on Shipper's Export Declaration for In-transit goods, Commerce Form 7513:

(1) The name and address of the intended foreign destination, if any, must be shown below the description of the commodities across columns 1-6.

(2) Underneath the name and address of the intermediate consignee, also within columns 1-6, the following statement must be made:

None of the merchandise described herein is of the growth, production, or manufacture of the United States.

This amendment shall become effective July 1, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: May 18, 1949.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.  
[F. R. Doc. 49-4503; Filed, June 6, 1949;  
8:47 a. m.]

[Fourth General Revision of Export Regs.,  
Amdt. 7]

#### PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

##### HISTORICAL BASIS OF LICENSING CERTAIN COMMODITIES

Section 373.7 *Historical basis of licensing certain commodities* is amended in the following particulars: Paragraph (c) *Storage batteries* is hereby deleted.

This amendment shall become effective May 27, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: May 19, 1949.

FRANCIS MCINTYRE,  
Assistant Director,  
Office of International Trade.  
[F. R. Doc. 49-4504; Filed, June 6, 1949;  
8:47 a. m.]

[Fourth General Revision of Export Regs.,  
Amdt. P. L. 1<sup>st</sup>]

PART 399—POSITIVE LIST OF COMMODITIES  
AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of

Comm.

Sched.

B No.

Commodity

	Meat products:
002700	Pork, except canned:
003200	Pigs' feet, fresh or frozen. Dry salted ears; dry salted tails; neck bones, pickled or salted; pigs' feet, pickled or salted; pork head skins, pickled; tails, pickled; neck ribs, pickled or salted. <sup>2</sup>
003700	Pork, canned: pigs' feet; Philadelphia scrapple; and pork tongue, lunch, pickled, cured or spiced. <sup>3</sup>
003909	Other canned meat (report chicken, canned, in 003901): Blood pudding.
003909	Brains.
003909	Lamb tongue.
003909	Lunch tongue, except beef, ox, or pork.
003909	Meat spreads, except beef, pork, or chicken.
003909	Pemmican.
003909	Sweetbreads.
004400	Sausage ingredients, salted, or otherwise cured, except canned: Cheeks.
004400	Cuttings.
004400	Ears, dry salted.
004400	Feet.
004400	Heads.
004400	Jowls.
004400	Knuckles.
004400	Lacones, dry salted.
004400	Menudos (dry-salted ears and tails).

By this amendment the descriptions of the commodities remaining on the Positive List under these Schedule B numbers are revised to read as follows:

<sup>1</sup> 002700 Fresh or frozen pork, except fatback pork and pigs' feet (report pickled or salted in 003200 and canned in 003700).

<sup>2</sup> 003200 Other pork, pickled or salted except dry salted ears; dry salted tails; fatback pork, pickled or salted; neck bones, pickled or salted; pigs' feet, pickled or salted; pork head skins, pickled; tails, pickled; neck ribs, pickled or salted.

<sup>3</sup> 003700 Pork, canned (include canned hams and canned bacon) except pigs' feet, Philadelphia scrapple and pork tongue, lunch, pickled, cured or spiced.

<sup>1</sup> Amendments to the Fourth General Revision of Export Regulations are identified and numbered in two series. Amendments to Parts 370 to 398, inclusive, are included in one series, which are identified solely by numerals, e.g., "Amendment 1," "Amendment 2," "Amendment 3," etc. Amendments to Part 399 (which contains the Positive List of Commodities, etc.) are included in another series, identified by the letters "P. L." preceding the number of the amendment in the series. For example, the next amendment to Part 399 will be identified as "P. L. 2."

<sup>2</sup> This amendment was published as Subject VIII of Current Export Bulletin No. 527, dated May 13, 1949.

Dept. of Comm. Sched. B No.	Commodity	Dept. of Comm. Sched. B No.	Commodity
004400	Meat products—continued Pigs' feet.	548050	Other nonmetallic minerals (precious included)—continued Graphite crucibles.
004400	Pork feet, with hocks.	548098	Artificial graphite.
004400	Snouts.	599098	Zircon stones.
004400	Tails, dry-salted.	620998	Iron and steel manufactures: Centrifuge bowls, stainless steel.
004400	Testes.	621303	Ferroalloys: Ferromanganese.
004400	Tripe trimmings.	663900	Other nonferrous ores, metals, and alloys, except precious: Tungsten carbide, except fabricated parts of cutting tools or dies.
004500	Other meats, except canned: Brains.	664560	Tantalum ore.
004500	Dehydrated pork.	664595	Zirconium ore, including sand.
004500	Goat meat, fresh or frozen.	664598	Cerium ore, or rare earth oxide.
004500	Oxtails, fresh or frozen.	664598	Europium rare earth.
004500	Pig souse.	664598	Gadolinium rare earth.
004500	Sausage ingredients, fresh.	664598	Lanthanum rare earth.
004500	Sweetbreads.	664598	Praseodymium rare earth.
004500	Tripe, fresh.	664598	Samarium rare earth.
009400	Other edible animal products: Beef extracts; Bovril meat extract; and saucenwerfel (meat extract) <sup>4</sup>	664998	Other rare earths, n. e. s.
009900	Beef scraps, dried.	664998	Cerium metal including misch metal in primary form except in fabricated lighter flints and abrasives.
009900	Blood flour.	664998	Tantalum metal.
009900	Bone scraps.	664998	Zirconium metals and alloys.
009900	Meat scraps.	664998	Germanium metal.
099998	Other inedible animals and animal products: Blood albumen.	664998	Hafnium metal.
099998	Dry blood, soluble.	664998	Lanthanum metal.
099998	Blood meal.	664998	Indium metal.
099998	Bone scrap.	664998	Other rare metals, n. e. s.
099998	Candle pitch and candle tar pitch (formerly in 084300).	664998	Precious metals and plated ware, except jewelry, precious metals for dentistry, gold and silver ore, bullion, and coin:
099998	Liver meals.	664998	Rhodium.
533200	Clay and clay products: Closet bowls and water-closet sets (include tanks).	733105	Mining, well, and pumping machinery:
604900	Structural iron and steel: Sash and frames: Metal window frames.	733105	Centrifuges, electric, stainless steel, solid bowl types.
604900	Metal window sash.	733105	Magnetic separators (ore and rock), electro-magnetic cross-belt types.
609900	Bolts, iron and steel (except railroad), over 3 feet in length.	733105	Magnetic separators, electrostatic.
609900	009400 Meat extracts, except bouillon cubes; beef extracts; Bovril meat extract; and saucenwerfel (meat extract).	733910	Other mining and quarrying machinery:
	This amendment shall become effective May 13, 1948.	733910	Centrifuges, electric, stainless steel, solid bowl types.
	(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)	733910	Parts for mining and quarrying machines:
	Dated: May 11, 1949.	733900	Centrifuge bowls, stainless steel.
	FRANCIS MCINTYRE, Assistant Director, Office of International Trade.	733900	Parts for magnetic separators (ore and rock), electromagnetic crossbelt types.
	[F. R. Doc. 49-4505; Filed, June 6, 1949; 8:47 a. m.]	733900	Parts for magnetic separators, electrostatic.
		734300	Petroleum refineries, components, and parts:
		734300	Centrifuges, electric, stainless steel, solid bowl types.
		734300	Centrifuge bowls, stainless steel.
		735500	Pumps, centrifugal, fabricated or lined with the following corrosion resistant materials: stainless steel; alloys containing over 50% nickel; nickel plate, and glass.
		736990	Impellers and casings for the pumps listed above under Schedule B No. 735500.
		736990	Other industrial machinery:
		736990	Other dairy equipment, and parts, for commercial use:
		759300	Centrifuge bowls, stainless steel.
		761100	Sugar-mill machinery, and parts:
		761100	Centrifuges, electric, stainless steel, solid bowl types.
		761100	Centrifuge bowls, stainless steel.

[Fourth General Revision of Export Regs.,  
Amdt. P. L. 2]

PART 399—POSITIVE LIST OF COMMODITIES  
AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 Appendix A—Positive List of Commodities is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity
547300	Other nonmetallic minerals (precious included): Graphite electrodes for furnace or electrolytic work, 12 square inches cross section or 3 inches diameter and over.

## RULES AND REGULATIONS

Dept. of Comm. Sched. B No.	Commodity
	Other industrial machinery—Con.
761400	Brewer's machinery, and parts:
	Centrifuges, electric, stainless steel, solid bowl types.
761400	Centrifuge bowls, stainless steel.
	Vegetable oil mill machinery, and parts:
761600	Centrifuges, electric, stainless steel, solid bowl types.
761600	Centrifuge bowls, stainless steel.
	Food processing machinery, and parts, n. e. s.:
761950	Centrifuges, electric, stainless steel, solid bowl types.
761950	Centrifuge bowls, stainless steel.
774098	Vacuum gauges (ionization types), for industrial use.
774430	Pipe valves with bellows seal, stainless steel; nickel plated or glass lined valves with bodies of iron and steel (gate, globe, angle, tee, double disc, butterfly and damper types), either manually or automatically operated (excluding integral parts of other equipment).
774470	Pipe valves with bellows seal, made of alloys containing over 50% nickel; nickel plated or glass lined valves with bodies of brass, bronze, or other nonferrous metals (gate, globe, angle, tee, double disc, butterfly, and damper types) either manually or automatically operated (excluding integral parts of other equipment).
	Chemical and pharmaceutical machinery and parts:
775050	Centrifuges, electric, stainless steel, solid bowl types.
775050	Centrifuge bowls, stainless steel.
	Industrial machinery, and parts, n. e. s.:
775098	Centrifuges, electric, stainless steel, solid bowl types.
775098	Centrifuge bowls, stainless steel.
	Medicinal and pharmaceutical preparations:
813583	Bulk, in all forms:
813583	Bismuth nitrate.
813583	Bismuth oxide.
	Industrial Chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.):
839900	Zirconium oxides in all forms.
839900	Zirconium silicate.
	Scientific and professional instruments, apparatus and supplies, n. e. s.:
	Scientific instruments and laboratory apparatus, and parts, n. e. s. including laboratory grade instruments and devices and standards of greater than one half of one percent accuracy of full scale deflection or value:
919098	Betatrons, including major components.
919098	Centrifuges, electric, stainless steel, solid bowl types.
919098	Centrifuge bowls, stainless steel.
919098	Microphotometers.
919098	Spectrometers, optical 1.
919098	Spectrophotometers.
919098	Synchrotrons, including major components.
919098	Vacuum gauges (ionization types).

2. The following commodities are deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity
	Medicinal and pharmaceutical preparations:
813583	Bulk, in all forms:
813583	Bismuth subcarbonate (formerly 813590 and 839900).
813583	Bismuth subgallate (formerly 813590).
813583	Bismuth subsalicylate.

3. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Department of Commerce Schedule B No.	Commodity	GLV dollar value limits
504600	Paraffin wax, refined, with melting point in the ranges of 125/127° through 128/130° AMP.....	100
608100	Iron and steel wire, uncoated (plain, stainless and alloy steel included) except lead wire, brush wire, mandrel wire, and the wires for reinforcing bars, formerly 609198 (include baling wire, formerly 609198).....	100

This amendment shall become effective as of May 27, 1949 except that, with respect to Part 1 hereof it shall become effective May 31, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: May 20, 1949.

FRANCIS MCINTYRE,  
Assistant Director,

Office of International Trade.

[F. R. Doc. 49-4506; Filed, June 6, 1949; 8:47 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter VIII—Office of Housing Expediter

#### PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

##### CORRECTION TO RENT REGULATIONS

The Rent Regulations under the Housing and Rent Act of 1947, as amended, are corrected in the following respects:

1. In Amendment 100 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12),<sup>1</sup> the words "In Palm Beach County, Precincts 20, 21, 22, 23, 24, 25, 26, 27, 28 and 30," are corrected to read "In Palm Beach County, Precincts 20, 21, 22, 23, 24, 25, 26, 28 and 30".

2. An amendment 95 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92),<sup>1</sup> the words "In Palm Beach County, Precincts 20, 21, 22,

23, 24, 25, 26, 27, 28 and 30," are corrected to read "In Palm Beach County, Precincts 20, 21, 22, 23, 24, 25, 26, 28, and 30".

(Sec. 204 (d), 61 Stat. 107, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This correction shall be effective as of May 20, 1949.

Issued this 2d day of June 1949.

TIGHE E. WOODS,  
Housing Expediter.

[F. R. Doc. 49-4571; Filed, June 6, 1949; 9:03 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue, Department of the Treasury

#### Subchapter C—Miscellaneous Excise Taxes

[T. D. 5702]

#### PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

##### REPORTING OF BOTTLED-IN-BOND STAMPS

1. On March 8, 1949, notice of proposed rule-making, regarding the reporting of bottled-in-bond stamps, was published in the *FEDERAL REGISTER* (14 F. R. 1039).

2. No objections to the proposed regulations having been received, § 188.99a is hereby added to Regulations 6 (26 CFR, Part 188) approved September 19, 1940, as follows:

§ 188.99a Record, Form 96. Where the bottled-in-bond stamps are returned to the proprietor for filing a claim for exchange or redemption, the proprietor shall account for such stamps on Form 96, "Monthly Record and Report of Red Strip Stamps Purchased and Used by Importers and by Others Assigned Custody of Stamps," until the exchange or redemption has been effected. Appropriate modification of the form to specify bottled-in-bond stamps shall be made. The form will be prepared and disposed of in accordance with the applicable instructions thereon relating to "Other persons assigned custody of stamps." (Secs. 2903 and 3176, I. R. C.)

3. The purpose of this Treasury decision is to require the accounting by proprietors of bottling-in-bond departments of internal revenue bonded warehouses for all bottled-in-bond strip stamps, which are released to them for exchange or redemption, until such disposition has been effected.

4. This Treasury decision shall be effective on the 31st day following the date of its publication in the *FEDERAL REGISTER*.

(26 U. S. C. 2903 and 3176)

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

Approved: June 2, 1949.

THOMAS J. LYNCH,  
Acting Secretary of the Treasury.

[F. R. Doc. 49-4545; Filed, June 6, 1949; 8:57 a. m.]

<sup>1</sup> 14 F. R. 2746.

[T. D. 5704]

**PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS****REPORTING OF RED STRIP STAMPS**

1. On March 8, 1949, notice of proposed rule-making, regarding the reporting of red strip stamps, was published in the **FEDERAL REGISTER** (14 F. R. 1039).

2. No objections to the proposed regulations having been received, § 189.111a is hereby added to Regulations 11 (26 CFR, Part 189) approved May 20, 1940, as follows:

§ 189.111a *Record, Form 96.* Where the red strip stamps are returned to the proprietor for filing a claim for exchange or redemption, the proprietor shall account for such stamps on Form 96, "Monthly Record and Report of Red Strip Stamps Purchased and Used by Importers and by Others Assigned Custody of Stamps," until the exchange or redemption has been effected. The form will be prepared and disposed of in accordance with the applicable instructions thereon relating to "Other persons assigned custody of stamps." (Secs. 2803 and 3176, I. R. C.)

3. The purpose of this Treasury decision is to require proprietors of tax-paid bottling plants to account for red strip stamps which are released to them for exchange or redemption, until such disposition has been effected.

4. This Treasury decision shall be effective on the 31st day following the date of its publication in the **FEDERAL REGISTER**.

(26 U. S. C. 2803 and 3176)

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

Approved: June 2, 1949.

THOMAS J. LYNCH,  
Acting Secretary of the Treasury.

[F. R. Doc. 49-4544; Filed, June 6, 1949;  
8:57 a. m.]

[T. D. 5703]

**PART 190—RECTIFICATION OF SPIRITS AND WINES****REPORTING OF RED STRIP STAMPS**

1. On March 8, 1949, notice of proposed rule-making, regarding the reporting of red strip stamps, was published in the **FEDERAL REGISTER** (14 F. R. 1040).

2. No objections to the proposed regulations having been received, § 190.403a is hereby added to Regulations 15 (26 CFR, Part 190) approved May 20, 1940, as follows:

§ 190.403a *Record, Form 96.* Where the red strip stamps are returned to the proprietor for filing a claim for exchange or redemption, the proprietor shall account for such stamps on Form 96, "Monthly Record and Report of Red Strip Stamps Purchased and Used by Importers and Others Assigned Custody of Stamps," until the exchange or redemption has been effected. The form will be prepared and disposed of in accordance with the applicable instructions thereon relating to "Other persons

assigned custody of stamps." (Secs. 2803 and 3176, I. R. C.)

3. The purpose of this Treasury decision is to require the accounting by rectifiers for all red strip stamps which are released to them for exchange or redemption, until such disposition has been effected.

4. This Treasury decision shall be effective on the 31st day following the date of its publication in the **FEDERAL REGISTER**.

(26 U. S. C. 2803 and 3176)

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

Approved: June 2, 1949.

THOMAS J. LYNCH,  
Acting Secretary of the Treasury.

[F. R. Doc. 49-4543; Filed, June 6, 1949;  
8:57 a. m.]

**TITLE 36—PARKS AND FORESTS****Chapter I—National Park Service,  
Department of the Interior****PART 3—NATIONAL CAPITAL PARKS  
REGULATIONS****DISCRIMINATION IN FURNISHING PUBLIC ACCOMMODATIONS AND IN USING PARK AREAS**

The National Capital Parks regulations are amended by adding, immediately after § 3.44, the following section:

§ 3.45 *Discrimination in furnishing public accommodations and in using park areas.* The operator of any public facility or accommodation in a park area and its employees, including the District of Columbia Recreation Board and its personnel, while using park areas are prohibited from (a) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, or national origin; and (b) discriminating by segregation or otherwise against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public. (Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 20th day of May 1949.

[SEAL] C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior.

[F. R. Doc. 49-4480; Filed, June 6, 1949;  
11:30 a. m.]

**TITLE 43—PUBLIC LANDS:  
INTERIOR****Chapter I—Bureau of Land Management,  
Department of the Interior****Appendix—Public Land Orders**

[Public Land Order 588]

TEXAS

**AMENDING PUBLIC LAND ORDER NO. 527**

By virtue of the authority vested in the President and pursuant to Executive

Order No. 9337 of April 24, 1943, it is ordered as follows:

Paragraph 5 of Public Land Order No. 527 of November 17, 1948, is hereby amended to read as follows:

Any lease granted by the Department of the Interior shall contain a provision to the effect that the lessee at his own expense agrees upon notice to place below ground level, relocate, or remove, as required by the Government, any equipment installed by the lessee that would interfere with or constitute a hazard to the use of the land by the Government during any period the field is required for war or national defense purposes.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior.

JUNE 1, 1949.

[F. R. Doc. 49-4482; Filed, June 6, 1949;  
8:50 a. m.]

**TITLE 50—WILDLIFE****Chapter I—Fish and Wildlife Service,  
Department of the Interior****Subchapter C—Management of Wildlife Conservation Areas****PART 33—CENTRAL REGION****FISHING IN MINGO NATIONAL WILDLIFE REFUGE, MISSOURI**

*Basis and purposes.* The Migratory Bird Conservation Act (45 Stat. 1222; 16 U. S. C. 715) provides that nothing in the act nor in any regulation thereunder shall be construed as preventing a person from entering upon any area acquired under the act for the purpose of fishing in accordance with the law of the State in which such area is located provided that such person complies with the regulations of the Secretary covering such area. Accordingly the Secretary of the Interior by regulation dated December 28, 1948 (50 CFR 21.45; 13 F. R. 9351), provided that fishing is permitted in any Refuge acquired under the Migratory Bird Conservation Act to the extent and during such periods as in the determination of the Director will not interfere with the purpose for which the Refuge was established. On the basis of observations at the Mingo National Wildlife Refuge, and on the basis of experience at and observations of other National Wildlife Refuges of similar character and in the general region, it has been determined that fishing during the fall and winter months of the year interferes with resting and feeding waterfowl during their migration and wintering activities. Inasmuch as such interference is detrimental to wildlife management and is contrary to the purpose for which the Refuge was established, it has been determined that fishing during such period must be restricted. It also has been determined that limited fishing privileges may be authorized on the Mingo National Wildlife Refuge without interfering with or being detrimental to wildlife management.

In accordance with these determinations the following section are added:

## RULES AND REGULATIONS

**Sec.**  
**33.111** Fishing permitted.  
**33.112** Entry.  
**33.113** State fishing laws.  
**33.114** Use of boats prohibited.  
**33.115** Temporary restrictions.

AUTHORITY: §§ 33.111 to 33.115 issued under 50 CFR 21.41.

§ 33.111 *Fishing permitted.* Non-commercial fishing is permitted in the waters of the Mingo National Wildlife Refuge during the daylight hours of the period April 10 to September 30, inclusive, in any year in accordance with the provisions of §§ 33.112 to 33.115.

§ 33.112 *Entry.* Entry upon and use of the Refuge for any purpose are governed

by Parts 18 and 21 of this chapter and strict compliance therewith is required.

§ 33.113 *State fishing laws.* Each person fishing in the Refuge shall comply with the applicable laws and regulations of the State of Missouri. Each person fishing in the Refuge shall possess and shall exhibit to any authorized Federal or State official whatever license, if any, is required by laws or regulations of the State of Missouri, which license shall serve as a Federal permit for fishing in the waters of the Refuge.

§ 33.114 *Use of boats prohibited.* The use of boats or floating devices of any description is prohibited in all Refuge areas except for official purposes.

§ 33.115 *Temporary restrictions.* The officer in charge may temporarily suspend fishing in all or part of the Refuge by suitable posting when, in his judgment, such action is necessary for the protection of migratory waterfowl, wildlife concentrations, fishes and other aquatic animal life, food and cover plantings for wildlife, or for the carrying out of official operations in such area.

Dated: May 31, 1949.

[SEAL]

M. C. JAMES,  
Acting Director.

[F. R. Doc. 49-4481; Filed, June 6, 1949;  
8:49 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

Production and Marketing  
Administration

[7 CFR, Part 725]

FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE  
WITH RESPECT TO MARKETING QUOTAS FOR  
1950-51 MARKETING YEAR

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1950-51 marketing year on flue-cured tobacco, and, if so, the amount of the national marketing quota.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 (b), 1312 (a)), provides that whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The act provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level.

The act (7 U. S. C. 1312 (b)) provides further that within 30 days after a national marketing quota is proclaimed, the Secretary shall conduct a referendum of farmers who were engaged in the production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to

submit to such farmers the question of whether they favor marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary is required to proclaim marketing quotas for such period.

A public hearing will be held in the Ball Room of the Carolina Hotel, Raleigh, North Carolina, Tuesday, June 21, 1949, at 10:00 a. m. e. s. t., for the purpose of considering whether a national marketing quota should be proclaimed for flue-cured tobacco for the 1950-51 marketing year, and, if so, the amount of the national marketing quota.

In making the determinations as to whether marketing quotas are required to be proclaimed on flue-cured tobacco for the 1950-51 marketing year, and, if so, the amount of the national marketing quota, consideration will be given to any data, views, and recommendations pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than June 21, 1949.

Issued at Washington, D. C., this 1st  
day of June 1949.

[SEAL]

RALPH S. TRIGG,  
Administrator.

[F. R. Doc. 49-4567; Filed, June 6, 1949;  
9:02 a. m.]

## DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. V]

MINIMUM WAGE RECOMMENDATIONS OF  
SPECIAL INDUSTRY COMMITTEE FOR VIR-  
GIN ISLANDS FOR CERTAIN INDUSTRIES

NOTICE OF HEARING

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (e) of the Fair Labor Standards

Act of 1938, on February 3, 1949, by Administrative Order No. 387, appointed a Special Industry Committee for the Virgin Islands, composed of residents of such Islands and of the United States outside of the Islands, and including an equal number of representatives of the public, employers and employees in the industries in the Virgin Islands herein-after mentioned.

The Special Industry Committee for the Virgin Islands has made separate minimum wage recommendations and has duly filed with the Administrator a report containing such recommendations pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the following industries:

Alcoholic Beverages and Industrial Alcohol Industry.  
Bay Rum and Other Toilet Preparations Industry.  
Shipping and Transportation Industry.  
Wholesaling and Property Motor Carrier Industry.  
Banking, Insurance, and Real Estate Industry.  
Newspaper and Printing Industry.  
Communications and Other Public Utilities Industry.  
Jewelry Industry.  
Construction Industry.  
Wearing Apparel Industry.  
Fruit and Vegetable Packing and Farm Products Assembling industry.  
Doll Industry.  
Furniture and Wooden Novelties Industry.  
Ship and Boat Building and Equipment Industry.  
Hand-Made Art Linen Industry.  
Hand-made Straw Goods Industry.  
Miscellaneous Industries.

The Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order each of the recommendations of the Special Industry Committee for the Virgin Islands, if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such

recommendations: Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of the Special Industry Committee for the Virgin Islands for employees engaged in commerce or in the production of goods for commerce in the enumerated industries in such Islands are as follows:

Industry	Recommended minimum (cents per hour)
1. Shipping and Transportation Industry:	
(1) General Division.....	40
(2) Wind-Driven Vessel Division.....	30
2. Alcoholic Beverages and Industrial Alcohol Industry.....	35
3. Bay Rum and Other Toilet Preparations Industry.....	40
4. Wholesaling and Property Motor Carrier Industry.....	36
5. Banking, Insurance, and Real Estate Industry.....	40
6. Newspaper and Printing Industry.....	30
7. Communications and Other Public Utilities Industry.....	40
8. Jewelry Industry.....	40
9. Construction Industry.....	40
10. Wearing Apparel Industry.....	40
11. Fruit and Vegetable Packing and Farm Products Assembling Industry.....	30
12. Doll Industry.....	40
13. Furniture and Wooden Novelties Industry.....	40
14. Ship and Boat Building and Equipment Industry.....	40
15. Hand-Made Art Linen Industry:	
(a) Hand-sewing operations.....	20
(b) Other than hand-sewing operations.....	35
16. Hand-Made Straw Goods Industry:	
(a) Hand-weaving and hand-sewing operations.....	15
(b) Other than hand-weaving and hand-sewing operations.....	35
17. Miscellaneous Industries.....	35

B. The definitions of the industries in the Virgin Islands and of the separable divisions thereof for which the Special Industry Committee has made the foregoing minimum wage recommendations are as follows:

*Alcoholic Beverages and Industrial Alcohol Industry.* This industry shall include the manufacture of rum, whiskey, liqueurs, cordials, wine, beer, and other alcoholic beverages; and industrial alcohol.

*Bay Rum and Other Toilet Preparations Industry.* This industry shall include the manufacture (including packaging) of bay oil, bay rum, perfumes, colognes, toilet waters, and other similar toilet preparations.

*Shipping and Transportation Industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operations of common or contract carriers, the operation of piers, wharves and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus, and travel and ticket agencies.

The Committee recommended that the Shipping and Transportation Industry in the Virgin Islands be divided into two separable divisions for the purpose of fixing minimum wage rates, and that

these separable divisions be entitled and defined as follows:

*1. General Division.* This division shall include all activities in the Shipping and Transportation Industry other than those included within the Wind-Driven Vessel Division.

*2. Wind-Driven Vessel Division.* This Division shall include the transportation of cargo and passengers by vessels driven entirely by wind and having no auxiliary propulsion motors.

*Wholesaling and property motor carrier industry.* This industry shall include the wholesaling, warehousing, and other distribution of commodities, including, but not by way of limitation, the activities of importers, exporters, wholesalers, public warehouses, and brokers and agents (except realty and financial), including mail order sales agencies and manufacturers' selling agencies; and the industry carried on by any common or contract carrier engaged in the transportation of property by motor vehicle.

*Banking, insurance, and real estate industry.* This industry shall include the business carried on by any banking, insurance, financial, or real estate institution, agency, or enterprise.

*Newspaper and Printing Industry.* This industry shall include the printing or publishing of newspapers, books, pamphlets, periodicals, and the like; and the printing of forms, blank books, stationery, tablets, tags, calendars, announcement and greeting cards, and all other printed products.

*Communications and Other Public Utilities Industry.* This industry shall include the activities carried on by any wire or radio system of communication or by any messenger service; by any concern engaged in the production or distribution of gas or electricity; by any concern engaged in the distribution of water or the operation of sanitation facilities; and by any concern engaged in other public utility operations.

*Jewelry Industry.* This industry shall include the manufacture, processing, or assembling of jewelry, commonly or commercially so known, in which metal is a substantial component.

*Construction Industry.* This industry shall include the designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, including, but not by way of limitation, factories, highways, bridges, sewers and water mains, irrigation canals and pipe lines, harbors, and airfields; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities.

*Provided, however,* That this industry shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry.

*Wearing Apparel Industry.* This industry shall include the manufacture of all wearing apparel except that made entirely by hand.

*Fruit and Vegetable Packing and Farm Products Assembling Industry.* This in-

dustry shall include the assembling and preparing for market of fresh fruits and vegetables and other farm and related products.

*Doll Industry.* This industry shall include the manufacture of machine-sewn doll's clothing and the preparation, assembling, and finishing of dolls with such clothing.

*Furniture and Wooden Novelties Industry.* This industry shall include the manufacture, assembling, and finishing from wood, bamboo, and similar materials, of furniture, woodenware, and wooden novelties, including, but not by way of limitation, trays, bowls, tumblers, book ends, figures, and jewel and cigarette boxes.

*Ship and Boat Building and Equipment Industry.* This industry shall include the building, repairing, and maintenance of ships and boats and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

*Hand-made art linen industry.* This industry shall include the manufacture from any woven material of hand-made handkerchiefs and hand-made household art linens, including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, and towels.

*Hand-made Straw Goods Industry.* This industry shall include the manufacture by hand from straw, raffia, sisal, or similar materials, of hats, baskets, purses, mats, trays, or other articles.

*Miscellaneous Industries.* This industry shall include the manufacture of ice, sugar, jams and jellies, cocoa butter, and flavoring extracts, the packing of meat, and all other industries not included in other specific industries defined herein.

C. The full text of the report and recommendations of the Special Industry Committee for the Virgin Islands will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Birmingham, Ala.—1007 Comer Building, 2020 Second Avenue, North.

San Francisco, Calif.—150 Federal Office Building, Fulton and Leavenworth Streets, Washington, D. C.—Department of Labor.

Chicago, Ill.—1200 Merchandise Mart Building, 222 East North Bank Drive.

Cleveland, Ohio—4327 Main Post Office, West Third and Prospect Avenue.

Puerto Rico—412 New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce.

Boston, Mass.—18 Oliver Street.

Kansas City, Mo.—3000 Fidelity Building, 911 Walnut Street.

New York, N. Y.—900 Parcel Post Building, 341 Ninth Avenue.

Philadelphia, Pa.—1216 Widener Building, Juniper and Chestnut Streets.

Dallas, Tex.—Room 222, 1114 Commerce Street.

Copies of the Committee's report and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Post Office Box 3906, San Juan, Puerto Rico.

D. A public hearing will be held on July 7, 1949, before the Administrator of

## PROPOSED RULE MAKING

the Wage and Hour Division, or a representative designated to preside in his place, at 10:00 a. m. in Room 5406, U. S. Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington, D. C., for the purpose of taking evidence on the question of whether the separate recommendations of the Special Industry Committee for the Virgin Islands, as set forth above, shall be approved or disapproved.

E. Any interested person supporting or opposing any of the recommendations of such Special Industry Committee may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided that not later than June 30, 1939, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. The recommendation or recommendations of the Special Industry Committee for the Virgin Islands in which he is interested and whether he proposes to appear for or against such recommendation or recommendations.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or to the Wage and Hour Division, United States Department of Labor, Post Office Box 3906, Santurce, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the recommendations of the Special Industry Committee for the Virgin Islands may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Post Office Box 3906, Santurce, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor in Washington, D. C.

G. The records made at the public hearing on conditions in the industries in the Virgin Islands, held before the Special Industry Committee in Charlotte Amalie, Saint Thomas, Virgin Islands, on March 15 to March 18, 1949, inclusive, and in Christiansted, Saint Croix, Virgin Islands, on March 21 to March 25, 1949, inclusive, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, 14th and Constitution Avenue, Northwest, Washington,

D. C., and San Juan, Puerto Rico, and at the office of the Administrator for St. Croix in Christiansted, St. Croix, Virgin Islands, and the office of the Government Secretary in Charlotte Amalie, St. Thomas, Virgin Islands. The record of the public hearing before the Industry Committee with respect to each industry in the Virgin Islands will be offered in evidence at the public hearing.

A copy of the following document relating to the industries in the Virgin Islands, which is included in the record of the public hearing held before the Special Industry Committee for the Virgin Islands, will be offered in evidence at the hearing before the Administrator or his representative, and will be made available, on request, for inspection by any interested person who intends to appear at such hearing.

A report entitled *Economic Report on Industries Operating in the Virgin Islands*, March 1949, prepared by the Wage Determinations and Exemptions Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

H. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator, or his authorized representative, as the case may be) as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue, Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When

evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and

four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record,

and the appropriate order. Such decision shall be published in the FEDERAL REGISTER and by general press release and shall become final 15 days after such publication in the FEDERAL REGISTER, unless exceptions to the decision are duly filed in accordance with the provisions of paragraph 13 (c).

(c) Within fifteen (15) days after the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

14. Any order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed this 2d day of June 1949 at Washington, D. C.

F. GRANVILLE GRIMES, Jr.,  
Acting Administrator,  
Wage and Hour Division.

[F. R. Doc. 49-4572; Filed, June 6, 1949;  
9:03 a. m.]

## NOTICES

### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8516]

EDITORIALIZING BY BROADCAST LICENSEES

#### REPORT OF COMMISSION

1. This report is issued by the Commission in connection with its hearings on the above entitled matter held at Washington, D. C., on March 1, 2, 3, 4, and 5 and April 19, 20, and 21, 1948. The hearing had been ordered on the Commission's own motion on September 5, 1947, because of our belief that further clarification of the Commission's position with respect to the obligations of broadcast licensees in the field of broadcasts of news, commentary and opinion was advisable. It was believed that in view of the apparent confusion concerning certain of the Commission's previous statements on these vital matters by broadcast licensees and members of the general public, as well as the professed disagreement on the part of some of these persons with earlier Commission pronouncements, a reexamination and restatement of its views by the Commission would be desirable. And in order to provide an opportunity to interested persons and organizations to acquaint the Commission with their views, prior to any Commission determination, as to the proper resolution of the difficult and complex problems involved in the presentation of radio news and comment in a democracy, it was designated for public hearing before the Commission en banc on the following issues:

1. To determine whether the expression of editorial opinions by broadcast station licensees on matters of public interest and controversy is consistent with their obligations to operate their stations in the public interest.

2. To determine the relationship between any such editorial expression and the affirmative obligation of the licensees to insure that a fair and equal presentation of all sides of controversial issues is made over their facilities.

2. At the hearings testimony was received from some 49 witnesses representing the broadcasting industry and various interested organizations and members of the public. In addition, written statements of their position on the matter

were placed into the record by 21 persons and organizations who were unable to appear and testify in person. The various witnesses and statements brought forth for the Commission's consideration, arguments on every side of both of the questions involved in the hearing. Because of the importance of the issues considered in the hearing, and because of the possible confusion which may have existed in the past concerning the policies applicable to the matters which were the subject of the hearing, we have deemed it advisable to set forth in detail and at some length our conclusions as to the basic considerations relevant to the expression of editorial opinion by broadcast licensees and the relationship of any such expression to the general obligations of broadcast licensees with respect to the presentation of programs involving controversial issues.

3. In approaching the issues upon which this proceeding has been held, we believe that the paramount and controlling consideration is the relationship between the American system of broadcasting carried on through a large number of private licensees upon whom devolves the responsibility for the selection and presentation of program material, and the Congressional mandate that this licensee responsibility is to be exercised in the interests of, and as a trustee for the public at large which retains ultimate control over the channels of radio and television communications. One important aspect of this relationship, we believe, results from the fact that the needs and interests of the general public with respect to programs devoted to news commentary and opinion can only be satisfied by making available to them for their consideration and acceptance or rejection, of varying and conflicting views held by responsible elements of the community. And it is in the light of these basic concepts that the problems of insuring fairness in the presentation of news and opinion and the place in such a picture of any expression of the views of the station licensee as such must be considered.

4. It is apparent that our system of broadcasting, under which private persons and organizations are licensed to provide broadcasting service to the various communities and regions, imposes

responsibility in the selection and presentation of radio program material upon such licensees. Congress has recognized that the requests for radio time may far exceed the amount of time reasonably available for distribution by broadcasters. It provided, therefore, in section 3 (h) of the Communications Act that a person engaged in radio broadcasting shall not be deemed a common carrier. It is the licensee, therefore, who must determine what percentage of the limited broadcast day should appropriately be devoted to news and discussion or consideration of public issues, rather than to the other legitimate services of radio broadcasting, and who must select or be responsible for the selection of the particular news items to be reported or the particular local, state, national or international issues or questions of public interest to be considered, as well as the person or persons to comment or analyze the news or to discuss or debate the issues chosen as topics for radio consideration. "The life of each community involves a multitude of interests some dominant and all pervasive such as interest in public affairs, education and similar matters and some highly specialized and limited to few. The practical day-to-day problem with which every licensee is faced is one of striking a balance between these various interests to reflect them in a program service which is useful to the community, and which will in some way fulfil the needs and interests of the many." *Capital Broadcasting Company*, 4 Pike & Fisher, R. R. 21; *The Northern Corporation* (WMEX), 4 Pike & Fischer, F. R. 333, 338. And both the Commission and the Courts have stressed that this responsibility devolves upon the individual licensees, and can neither be delegated by the licensee to any network or other person or group, or be unduly fettered by contractual arrangements restricting the licensee in his free exercise of his independent judgments. *National Broadcasting Company v. United States*, 319 U. S. 190 (upholding the Commission's Chain Broadcasting Regulations, §§ 3.101-3.108, 3.231-3.238, 3.631-3.638); *Churchill Tabernacle v. Federal Communications Commission*, 160 F. 2d 244 (See, Rules and Regulations, §§ 3.109, 3.229, 3.639); *Allen T. Simmons v. Federal*

## NOTICES

*Communications Commission*, 169 F. 2d 670, certiorari denied 335 U. S. 846.

5. But the inevitability that there must be some choosing between various claimants for access to a licensee's microphone, does not mean that the licensee is free to utilize his facilities as he sees fit or in his own particular interests as contrasted with the interests of the general public. The Communications Act of 1934, as amended, makes clear that licenses are to be issued only where the public interest, convenience or necessity would be served thereby. And we think it is equally clear that one of the basic elements of any such operation is the maintenance of radio and television as a medium of freedom of speech and freedom of expression for the people of the nation as a whole. Section 301 of the Communications Act provides that it is the purpose of the Act to maintain the control of the United States over all channels of interstate and foreign commerce. Section 326 of the Act provides that this control of the United States shall not result in any impairment of the right of free speech by means of such radio communications. It would be inconsistent with these express provisions of the Act to assert that, while it is the purpose of the Act to maintain the control of the United States over radio channels, but free from any regulation or condition which interferes with the right of free speech, nevertheless persons who are granted limited rights to be licensees of radio stations, upon a finding under Sections 307 (a) and 309 of the Act that the public interest, convenience, or necessity would be served thereby, may themselves make radio unavailable as a medium of free speech. The legislative history of the Communications Act and its predecessor, the Radio Act of 1927 shows, on the contrary, that Congress intended that radio stations should not be used for the private interest, whims, or caprices of the particular persons who have been granted licenses, but in manner which will serve the community generally and the various groups which make up the community.<sup>2</sup> And

<sup>2</sup> Thus in the Congressional debates leading to the enactment of the Radio Act of 1927, Congressman (later Senator) White stated (67 Cong. Rec. 5479, March 12, 1926):

We have reached the definite conclusion that the right of all our people to enjoy this means of communication can be preserved only by the repudiation of the idea underlying the 1912 law that anyone who will, may transmit and by the assertion in its stead of the doctrine that the right of the public to service is superior to the right of any individual to use the other \*\*\* the recent radio conference met this issue squarely. It recognized that in the present state of scientific development there must be a limitation upon the number of broadcasting stations and it recommended that licenses should be issued only to those stations whose operation would render a benefit to the public, are necessary in the public interest or would contribute to the development of the art. This principle was approved by every witness before your committee. We have written it into the bill. *If enacted into law, the broadcasting privilege will not be a right of selfishness. It will rest upon an assurance of public interest to be served.* [Emphasis added.]

the courts have consistently upheld Commission action giving recognition to and fulfilling that intent of Congress. *KFAB Broadcasting Association v. Federal Radio Commission*, 47 F. 2d 670; *Trinity Methodist Church, South v. Federal Radio Commission*, 62 F. 2d 850, certiorari denied, 288 U. S. 599.

6. It is axiomatic that one of the most vital questions of mass communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day. Basically, it is in recognition of the great contribution which radio can make in the advancement of this purpose that portions of the radio spectrum are allocated to that form of radio communications known as radio-broadcasting. Unquestionably, then, the standard of public interest, convenience and necessity as applied to radio-broadcasting must be interpreted in the light of this basic purpose. The Commission has consequently recognized the necessity for licensees to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station. And we have recognized, with respect to such programs, the paramount right of the public in a free society to be informed and to have presented to it for acceptance or rejection the different attitudes and viewpoints concerning those vital and often controversial issues which are held by the various groups which make up the community.<sup>3</sup> It is this right of the public to be informed, rather than any right on the part of the government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting.

And this view that the interest of the listening public rather than the private interests of particular licensees was re-emphasized as recently as June 9, 1948 in a unanimous report of the Senate Committee on Interstate and Foreign Commerce on S. 1333 (80th Cong.) which would have amended the present Communications Act in certain respects. See S. Rept No. 1567, 80th Cong., 2d Sess., pp. 1415.

7. This affirmative responsibility on the part of broadcast licensees to provide a reasonable amount of time for the presentation over their facilities of programs devoted to the discussion and consideration of public issues has been reaffirmed by this Commission in a long series of decisions. The *United Broadcasting Company (WHKC)* case, 10 F. C. C. 675, emphasized that this duty includes the making of reasonable provision for the discussion of controversial issues of public importance in the community served, and to make sufficient time available for full discussion thereof. The *Scott* case, 3 Pike & Fischer, Radio Regulation 259, stated our conclusions that

this duty extends to all subjects of substantial importance to the community coming within the scope of free discussion under the First Amendment without regard to personal views and opinions of the licensees on the matter, or any determination by the licensee as to the possible unpopularity of the views to be expressed on the subject matter to be discussed among particular elements of the station's listening audience. Cf. *National Broadcasting Company v. United States*, 319 U. S. 190; *Allen T. Simmons*, 3 Pike & Fischer, R. R. 1029, affirmed; *Simmons v. Federal Communications Commission*, 169 F. 2d 670, certiorari denied, 335 U. S. 846; *Bay State Beacon*, 3 Pike & Fischer, R. R. 1455, affirmed; *Bay State Beacon v. Federal Communications Commission*, U. S. App. D. C., decided December 20, 1948; *Petition of Sam Morris*, 3 Pike & Fischer, R. R. 154; *Thomas N. Beach*, 3 Pike & Fischer R. R. 1784. And the Commission has made clear that in such presentation of news and comment the public interest requires that the licensee must operate on a basis of over-all fairness, making his facilities available for the expression of the contrasting views of all responsible elements in the community on the various issues which arise. *Mayflower Broadcasting Co.*, 8 F. C. C. 333; *United Broadcasting Co. (WHKC)*, 10 F. C. C. 515; Cf. *WBNX Broadcasting Co., Inc.*, 4 Pike & Fischer, R. R. 244 (Memorandum Opinion). Only where the licensee's discretion in the choice of the particular programs to be broadcast over his facilities is exercised so as to afford a reasonable opportunity for the presentation of all responsible positions on matters of sufficient importance to be afforded radio time can radio be maintained as a medium of freedom of speech for the people as a whole. These concepts, of course, do restrict the licensee's freedom to utilize his station in whatever manner he chooses but they do so in order to make possible the maintenance of radio as a medium of freedom of speech for the general public.

8. It has been suggested in the course of the hearings that licensees have an affirmative obligation to insure fair presentation of all sides of any controversial issue before any time may be allocated to the discussion or consideration of the matter. On the other hand, arguments have been advanced in support of the proposition that the licensee's sole obligation to the public is to refrain from suppressing or excluding any responsible point of view from access to the radio. We are of the opinion, however, that any rigid requirement that licensees adhere to either of these extreme prescriptions for proper station programming techniques would seriously limit the ability of licensees to serve the public interest. Forums and round-table discussions, while often excellent techniques of presenting a fair cross section of differing viewpoints on a given issue, are not the only appropriate devices for radio discussion, and in some circumstances may not be particularly appropriate or advantageous. Moreover, in many instances the primary "controversy" will be whether or not the particular problem

<sup>3</sup> Cf. *Thornhill v. Alabama*, 310 U. S. 88, 95, 102; *Associated Press v. United States*, 326 U. S. 1, 20.

should be discussed at all; in such circumstances, where the licensee has determined that the subject is of sufficient import to receive broadcast attention, it would obviously not be in the public interest for spokesmen for one of the opposing points of view to be able to exercise a veto power over the entire presentation by refusing to broadcast its position. Fairness, in such circumstances might require no more than that the licensee make a reasonable effort to secure responsible representation of the particular position and, if it fails in this effort, to continue to make available its facilities to the spokesmen for such position in the event that, after the original programs are broadcast, they then decide to avail themselves of a right to reply to present their contrary opinion. It should be remembered, moreover that discussion of public issues will not necessarily be confined to questions which are obviously controversial in nature, and, in many cases, programs initiated with no thought on the part of the licensee of their possibly controversial nature will subsequently arouse controversy and opposition of a substantial nature which will merit presentation of opposing views. In such cases, however, fairness can be preserved without undue difficulty since the facilities of the station can be made available to the spokesmen for the groups wishing to state views in opposition to those expressed in the original presentation when such opposition becomes manifest.

9. We do not believe, however, that the licensee's obligations to serve the public interest can be met merely through the adoption of a general policy of not refusing to broadcast opposing views where a demand is made of the station for broadcast time. If, as we believe to be the case, the public interest is best served in a democracy through the ability of the people to hear expositions of the various positions taken by responsible groups and individuals on particular topics and to choose between them, it is evident that broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views. It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoints.

10. It should be recognized that there can be no one all embracing formula which licensees can hope to apply to insure the fair and balanced presentation of all public issues. Different issues will inevitably require different techniques of presentation and production. The licensee will in each instance be called upon to exercise his best judgment and good sense in determining what subjects should be considered, the particular format of the programs to be devoted to each subject, the different shades of opinion to be presented, and the spokesmen for each point of view. In deter-

mining whether to honor specific requests for time, the station will inevitably be confronted with such questions as whether the subject is worth considering, whether the viewpoint of the requesting party has already received a sufficient amount of broadcast time, or whether there may not be other available groups or individuals who might be more appropriate spokesmen for the particular point of view than the person making the request. The latter's personal involvement in the controversy may also be a factor which must be considered, for elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station, where otherwise no such obligation would exist. Undoubtedly, over a period of time some licensees may make honest errors of judgment. But there can be no doubt that any licensee honestly desiring to live up to its obligation to serve the public interest and making a reasonable effort to do so, will be able to achieve a fair and satisfactory resolution of these problems in the light of the specific facts.

11. It is against this background that we must approach the question of "editorialization"—the use of radio facilities by the licensees thereof for the expression of the opinions and ideas of the licensee on the various controversial and significant issues of interest to the members of the general public afforded radio (or television) service by the particular station. In considering this problem it must be kept in mind that such editorial expression may take many forms ranging from the overt statement of position by the licensee in person or by his acknowledged spokesmen to the selection and presentation of news editors and commentators sharing the licensee's general opinions or the making available of the licensee's facilities, either free of charge or for a fee to persons or organizations reflecting the licensee's viewpoint either generally or with respect to specific issues. It should also be clearly indicated that the question of the relationship of broadcast editorialization, as defined above, to operation in the public interest, is not identical with the broader problem of assuring "fairness" in the presentation of news, comment or opinion, but is rather one specific facet of this larger problem.

12. It is clear that the licensee's authority to determine the specific programs to be broadcast over his station gives him an opportunity, not available to other persons, to insure that his personal viewpoint on any particular issue is presented in his station's broadcasts, whether or not these views are expressly identified with the licensee. And, in absence of governmental restraint, he would, if he so chose, be able to utilize his position as a broadcast licensee to weight the scales in line with his personal views, or even directly or indirectly to propagandize in behalf of his particular philosophy or views on the various public issues to the exclusion of any contrary opinions. Such action can be effective and persuasive whether or not it is accompanied by any editorialization in the

narrow sense of overt statement of particular opinions and views identified as those of licensee.

13. The narrower question of whether any overt editorialization or advocacy by broadcast licensees, identified as such is consonant with the operation of their stations in the public interest, resolves itself, primarily into the issue of whether such identification of comment or opinion broadcast over a radio or television station with the licensee, as such, would inevitably or even probably result in such over-emphasis on the side of any particular controversy which the licensee chooses to espouse as to make impossible any reasonably balanced presentation of all sides of such issues or to render ineffective the available safeguards of that over-all fairness which is the essential element of operation in the public interest. We do not believe that any such consequence is either inevitable or probable, and we have therefore come to the conclusion that overt licensee editorialization, within reasonable limits and subject to the general requirements of fairness detailed above, is not contrary to the public interest.

14. The Commission has given careful consideration to contentions of those witnesses at the hearing who stated their belief that any overt editorialization or advocacy by broadcast licensee is *per se* contrary to the public interest. The main arguments advanced by these witnesses were that overt editorialization by broadcast licensees would not be consistent with the attainment of balanced presentations since there was a danger that the institutional good will and the production resources at the disposal of broadcast licensees would inevitably influence public opinion in favor of the positions advocated in the name of the licensee and that, having taken an open stand on behalf of one position in a given controversy, a licensee is not likely to give a fair break to the opposition. We believe, however, that these fears are largely misdirected, and that they stem from a confusion of the question of overt advocacy in the name of the licensee, with the broader issue of insuring that the station's broadcasts devoted to the consideration of public issues will provide the listening public with a fair and balanced presentation of differing viewpoints on such issues, without regard to the particular views which may be held or expressed by the licensee. Considered, as we believe they must be, as just one of several types of presentation of public issues, to be afforded their appropriate and non-exclusive place in the station's total schedule of programs devoted to balanced discussion and consideration of public issues, we do not believe that programs in which the licensee's personal opinions are expressed are intrinsically more or less subject to abuse than any other program devoted to public issues. If it be true that station good will and licensee prestige, where it exists, may give added weight to opinion expressed by the licensee, it does not follow that such opinion should be excluded from the air any more than it should in the case of any individual or institution which over a period of time has built up

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a reservoir of good will or prestige in the community. In any competition for public acceptance of ideas, the skills and resources of the proponents and opponents will always have some measure of effect in producing the results sought. But it would not be suggested that they should be denied expression of their opinions over the air by reason of their particular assets. What is against the public interest is for the licensee "to stack the cards" by a deliberate selection of spokesmen for opposing points of view to favor one viewpoint at the expense of the other, whether or not the views of those spokesmen are identified as the views of the licensee or of others. Assurance of fairness must in the final analysis be achieved, not by the exclusion of particular views because of the source of the views, or the forcefulness with which the view is expressed, but by making the microphone available, for the presentation of contrary views without deliberate restrictions designed to impede equally forceful presentation.

15. Similarly, while licensees will in most instances have at their disposal production resources making possible graphic and persuasive techniques for forceful presentation of ideas, their utilization for the promulgation of the licensee's personal viewpoints will not necessarily or automatically lead to unfairness or lack of balance. While uncontrolled utilization of such resources for the partisan ends of the licensee might conceivably lead to serious abuses, such abuses could as well exist where the station's resources are used for the sole use of his personal spokesmen. The prejudicial or unfair use of broadcast production resources would, in either case, be contrary to the public interest.

16. The Commission is not persuaded that a station's willingness to stand up and be counted on these particular issues upon which the licensee has a definite position may not be actually helpful in providing and maintaining a climate of fairness and equal opportunity for the expression of contrary views. Certainly the public has less to fear from the open partisan than from the covert propagandist. On many issues, of sufficient importance to be allocated broadcast time, the station licensee may have no fixed opinion or viewpoint which he wishes to state or advocate. But where the licensee, himself, believes strongly that one side of a controversial issue is correct and should prevail, prohibition of his expression of such position will not of itself insure fair presentation of that issue over his station's facilities, nor would open advocacy necessarily prevent an overall fair presentation of the subject. It is not a sufficient answer to state that a licensee should occupy the position of an impartial umpire, where the licensee is in fact partial. In the absence of a duty to present all sides of controversial issues, overt editorialization by station licensees could conceivably result in serious abuse. But where, as we believe to be the case under the Communications Act, such a responsibility for a fair and balanced presentation of controversial public issues exists, we cannot see how the open espousal of one point of view by the licensee should

necessarily prevent him from affording a fair opportunity for the presentation of contrary positions or make more difficult the enforcement of the statutory standard of fairness upon any licensee.

17. It must be recognized, however, that the licensee's opportunity to express his own views as part of a general presentation of varying opinions on particular controversial issues, does not justify or empower any licensee to exercise his authority over the selection of program material to distort or suppress the basic factual information upon which any truly fair and free discussion of public issues must necessarily depend. The basis for any fair consideration of public issues, and particularly those of a controversial nature, is the presentation of news and information concerning the basic facts of the controversy in as complete and impartial a manner as possible. A licensee would be abusing his position as public trustee of these important means of mass communication were he to withhold from expression over his facilities relevant news or facts concerning a controversy or to slant or distort the presentation of such news. No discussion of the issues involved in any controversy can be fair or in the public interest where such discussion must take place in a climate of false or misleading information concerning the basic facts of the controversy.

18. During the course of the hearings, fears have been expressed that any effort on the part of the Commission to enforce a reasonable standard of fairness and impartiality would inevitably require the Commission to take a stand on the merits of the particular issues considered in the programs broadcast by the several licensees, as well as exposing the licensees to the risk of loss of license because of "honest mistakes" which they may make in the exercise of their judgment with respect to the broadcasts of programs of a controversial nature. We believe that these fears are wholly without justification, and are based on either an assumption of abuse of power by the Commission or a lack of proper understanding of the role of the Commission, under the Communications Act, in considering the program service of broadcast licensees in passing upon applications for renewal of license. While this Commission and its predecessor, the Federal Radio Commission, have, from the beginning of effective radio regulation in 1927, properly considered that a licensee's over-all program service is one of the primary indicia of his ability to serve the public interest, actual consideration of such service has always been limited to a determination as to whether the licensee's programming, taken as a whole, demonstrates that the licensee is aware of his listening public and is willing and able to make an honest and reasonable effort to live up to such obligations. The action of the station in carrying or refusing to carry any particular program is of relevance only as the station's actions with respect to such programs fits into its over-all pattern of broadcast service, and must be considered in the light of its other program activities. This does not mean, of course, that

stations may, with impunity, engage in a partisan editorial campaign on a particular issue or series of issues provided only that the remainder of its program schedule conforms to the statutory norm of fairness; a licensee may not utilize the portion of its broadcast service which conforms to the statutory requirements as a cover or shield for other programming which fails to meet the minimum standards of operation in the public interest. But it is clear that the standard of public interest is not so rigid that an honest mistake or error in judgment on the part of a licensee will be or should be condemned where his over-all record demonstrates a reasonable effort to provide a balanced presentation of comment and opinion on such issues. The question is necessarily one of the reasonableness of the station's actions, not whether any absolute standard of fairness has been achieved. It does not require any appraisal of the merits of the particular issue to determine whether reasonable efforts have been made to present both sides of the question. Thus, in appraising the record of a station in presenting programs concerning a controversial bill pending before the Congress of the United States, if the record disclosed that the licensee had permitted only advocates of the bill's enactment to utilize its facilities to the exclusion of its opponents, it is clear that no independent appraisal of the bill's merits by the Commission would be required to reach a determination that the licensee had misconstrued its duties and obligations as a person licensed to serve the public interest. The Commission has observed, in considering this general problem that "the duty to operate in the public interest is no esoteric mystery, but is essentially a duty to operate a radio station with good judgment and good faith guided by a reasonable regard for the interests of the community to be served." Northern Corporation (WMEX), 4 Pike & Fischer, R. R. 333, 339. Of course, some cases will be clearer than others, and the Commission in the exercise of its functions may be called upon to weigh conflicting evidence to determine whether the licensee has or has not made reasonable efforts to present a fair and well-rounded presentation of particular public issues. But the standard of reasonableness and the reasonable approximation of a statutory norm is not an arbitrary standard incapable of administrative or judicial determination, but, on the contrary, one of the basic standards of conduct in numerous fields of Anglo-American law. Like all other flexible standards of conduct, it is subject to abuse and arbitrary interpretation and application by the duly authorized reviewing authorities. But the possibility that a legitimate standard of legal conduct might be abused or arbitrarily applied by capricious governmental authority is not and cannot be a reason for abandoning the standard itself. And broadcast licensees are protected against any conceivable abuse of power by the Commission in the exercising of its licensing authority by the procedural safeguards of the Communications Act and the Administrative Procedure Act, and by the right of appeal

to the Courts from final action claimed to be arbitrary or capricious.

19. There remains for consideration the allegation made by a few of the witnesses in the hearing that any action by the Commission in this field enforcing a basic standard of fairness upon broadcast licensees necessarily constitutes an "abridgement of the right of free speech" in violation of the First Amendment of the United States Constitution. We can see no sound basis for any such conclusion. The freedom of speech protected against governmental abridgement by the First Amendment does not extend any privilege to government licensees of means of public communications to exclude the expression of opinions and ideas with which they are in disagreement. We believe, on the contrary, that a requirement that broadcast licensees utilize their franchises in a manner in which the listening public may be assured of hearing varying opinions on the paramount issues facing the American people is within both the spirit and letter of the First Amendment. As the Supreme Court of the United States has pointed out in the Associated Press monopoly case:

It would be strange indeed, however, if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom. \* \* \* That Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom. Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not. (*Associated Press v. United States*, 326 U. S. 1 at p. 20.)

20. We fully recognize that freedom of the radio is included among the freedoms protected against governmental abridgement by the First Amendment. *United States v. Paramount Pictures, Inc., et al.*, 334 U. S. 131, 166. But this does not mean that the freedom of the people as a whole to enjoy the maximum possible utilization of this medium of mass communication may be subordinated to the freedom of any single person to exploit the medium for his own private interest. Indeed, it seems indisputable that full effect can only be given to the concept of freedom of speech on the radio by giving precedence to the right of the American public to be informed on all sides of public questions over any such individual exploitation for private purposes. Any regulation of radio, especially a system of limited licensees, is in a real sense an abridgement of the inherent freedom of persons to express themselves by means of radio communications. It is, however, a necessary and constitutional abridgement in order to prevent chaotic interference from destroying the great potential of this medium for public enlightenment and entertainment. *National Broadcasting Company v. United States*, 319 U. S. 190, 296; cf. *Federal Radio Commission v.*

*Nelson Brothers Bond & Mortgage Co., 289 U. S. 266; Fisher's Blend Station, Inc. v. State Tax Commission*, 277 U. S. 650. Nothing in the Communications Act or its history supports any conclusion that the people of the nation, acting through Congress, have intended to surrender or diminish their paramount rights in the air waves, including access to radio broadcasting facilities to a limited number of private licensees to be used as such licensees see fit, without regard to the paramount interests of the people. The most significant meaning of freedom of the radio is the right of the American people to listen to this great medium of communications free from any governmental dictation as to what they can or cannot hear and free alike from similar restraints by private licensees.

21. To recapitulate, the Commission believes that under the American system of broadcasting the individual licensees of radio stations have the responsibility for determining the specific program material to be broadcast over their stations. This choice, however, must be exercised in a manner consistent with the basic policy of the Congress that radio be maintained as a medium of free speech for the general public as a whole rather than as an outlet for the purely personal or private interests of the licensee. This requires that licensees devote a reasonable percentage of their broadcasting time to the discussion of public issues of interest in the community served by their stations and that such programs be designed so that the public has a reasonable opportunity to hear different opposing positions on the public issues of interest and importance in the community. The particular format best suited for the presentation of such programs in a manner consistent with the public interest must be determined by the licensee in the light of the facts of each individual situation. Such presentation may include the identified expression of the licensee's personal viewpoint as part of the more general presentation of views or comments on the various issues, but the opportunity of licensees to present such views as they may have on matters of controversy may not be utilized to achieve a partisan or one-sided presentation of issues. Licensee editorialization is but one aspect of freedom of expression by means of radio. Only insofar as it is exercised in conformity with the paramount right of the public to hear a reasonably balanced presentation of all responsible viewpoints on particular issues can such editorialization be considered to be consistent with the licensee's duty to operate in the public interest. For the licensee is a trustee impressed with the duty of preserving for the public generally radio as a medium of free expression and fair presentation.

Adopted: June 1, 1949.

Released: June 2, 1949.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
*Secretary.*

[F. R. Doc. 49-4575; Filed, June 6, 1949;  
9:02 a. m.]

[Docket No. 9262]

WSAZ, INC.

#### ORDER SCHEDULING HEARING

In re application of WSAZ, Inc. (WSAZ-TV), Huntington, West Virginia, Docket No. 9262, File No. BMPCT-454; for additional time in which to complete construction of TV station WSAZ-TV at Huntington, West Virginia.

The Commission having, on March 23, 1949, designated the above-entitled application for hearing; and

It appearing, that the public interest, convenience and necessity would be served by an early hearing thereon;

It is ordered, This 13th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled application is scheduled for 10:00 a. m., Monday, June 27, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

T. J. SLOWIE,  
*Secretary.*

[F. R. Doc. 49-4508; Filed, June 6, 1949;  
8:52 a. m.]

[Docket No. 8832]

SILVER CITY CRYSTAL CO. (WMMW)

#### ORDER CONTINUING HEARING

In re application of Silver City Crystal Company (WMMW), Meriden, Connecticut, Docket No. 8832, File No. BP-6356; for construction permit.

The Commission having under consideration a petition filed May 9, 1949, by Silver City Crystal Company (WMMW), Meriden, Connecticut, requesting a continuance of the hearing presently scheduled for May 18, 1949, upon its above-entitled application for construction permit;

It is ordered, This 13th day of May 1949; that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Wednesday, August 17, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

T. J. SLOWIE,  
*Secretary.*

[F. R. Doc. 49-4509; Filed, June 6, 1949;  
8:52 a. m.]

[Docket No. 8044]

JOHN J. DEMPSEY

#### ORDER CONTINUING HEARING

The Commission having scheduled a hearing upon the above-entitled matter for May 23, 1949, at Albuquerque, New Mexico; and

It appearing, That the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 13th day of May 1949, that the hearing upon the above-entitled matter is continued to 10:00

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a.m., Monday, July 25, 1949, as Albuquerque, New Mexico.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4510; Filed, June 6, 1949;  
8:52 a. m.]

[Docket Nos. 8062, 8116, 9213, 9214]

CRESCENT BAY BROADCASTING CO. ET AL.

## ORDER CONTINUING HEARING

In re applications of Crescent Bay Broadcasting Company, Santa Monica, California, Docket No. 8062, File No. BP-5589; Balboa Radio Corporation (KLIK), Escondido, California, Docket No. 8116, File No. BP-5622; Elmer Glaser, Ray A. Wilcox, David Rorich, Jr., Hyman Glaser and Max Glaser, d/b/a Oceanside Broadcasting Company, Oceanside, California, Docket No. 9213, File No. BP-5772; Centinela Valley Broadcasting Company, Inglewood, California, Docket No. 9214, File No. BP-6176; for construction permits.

The Commission having under consideration a petition filed May 6, 1949, by Centinela Valley Broadcasting Company, Inglewood, California, requesting a continuance in the hearing presently scheduled for May 26, 1949, at Escondido, California, May 27, 1949, at Oceanside, California, May 31, 1949 at Santa Monica, California, and June 1, 1949, at Inglewood California, upon the above-entitled applications for construction permits;

*It is ordered*, This 13th day of May 1949, that the petition is granted; and that the hearing upon the above-entitled applications is continued to 10:00 a. m. Wednesday, August 10, 1949, at Escondido, California, Thursday, August 11, 1949, at Oceanside, California, Friday, August 12, 1949, at Santa Monica, California, and Monday, August 15 1949, at Inglewood, California.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4511; Filed, June 6, 1949;  
8:52 a. m.]

[Docket No. 9236]

PORT FRERE BROADCASTING CO., INC.  
(WTUX)

## ORDER AMENDING ISSUE

In re application of Port Frere Broadcasting Company, Inc. (WTUX), Wilmington, Delaware, Docket No. 9236, File No. BR-1551; for renewal of license.

The Commission having under consideration the Notice of Hearing issued February 24, 1949, in the above-entitled proceeding; and

It appearing, that Issue No. 1 therein should be amended so as to substitute the phrase "programs and the program

policies" in lieu of the phrase "program policies"; and that an Issue No. 5 should be added relative to the general question of a grant of the renewal application;

*It is ordered*, This 13th day of May 1949, that the Notice of Hearing in the above-entitled proceeding dated February 24, 1949, is amended so as to add the following Issue No. 5 and to change Issue No. 1 to read as follows:

(1) To determine whether and to what extent the programs and the program policies of Station WTUX serve the interests of the Wilmington, Delaware community.

(5) To determine whether the application for renewal of license of Station WTUX should be granted.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4512; Filed, June 6, 1949;  
8:52 a. m.]

[Docket Nos. 9227, 9228]

MATHESON RADIO CO., INC. (WHDH) AND  
NATIONAL BROADCASTING CO., INC. (KOA)

## ORDER CONTINUING HEARING

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227, and National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9228; for reconsideration of Commission action granting the modification of construction permit application (BMP-3757) of Champlain Valley Broadcasting Corporation (WXKW), Albany, New York; for designation of the said modification construction permit application and permittee's license application (BL-3347) for hearing; for termination or modification of authority for WXKW to conduct program tests and for other relief.

The Commission having under consideration the proceeding in the above-entitled matter, which is presently scheduled for hearing on May 25, 1949; and

It appearing, That, on May 13, 1949, Matheson Radio Company, Inc., filed a petition requesting that the application of Champlain Valley Broadcasting Company, Albany, New York, for modification of construction permit (BMP-4580) be designated for hearing and consolidated with the above-entitled matters; and that action cannot be taken on the said petition prior to May 25, 1949;

*It is ordered*, This 20th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled proceeding is continued to 10:00 a. m., Wednesday, June 22, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

WILLIAM P. MASSING,  
Acting Secretary.

[F. R. Doc. 49-4513; Filed, June 6, 1949;  
8:52 a. m.]

[Docket Nos. 8459, 9059, 9312]

SURETY BROADCASTING CO. ET AL.

## ORDER AMENDING ISSUE

In re applications of Surety Broadcasting Company, Charlotte, North Carolina, Docket No. 8459, File No. BP-6088; Tar Heel Broadcasting System, Inc. (WRRF), Washington, North Carolina, Docket No. 9059, File No. BP-6750; WSAZ, Inc., Huntington, West Virginia, Docket No. 9312, File No. BP-7106; for construction permits.

The Commission having under consideration a petition filed May 13, 1949, by Surety Broadcasting Company, Charlotte, North Carolina, requesting the Commission to remove from the notice of hearing concerning its above-entitled application for construction permit that portion of Issue No. 1 relating to petitioner's "legal" qualifications;

*It is ordered*, This 20th day of May 1949, that the petition is granted; and that the Commission's order of September 8, 1948, designating for consolidated hearing the above-entitled applications of Surety Broadcasting Company and Tar Heel Broadcasting System, Inc. (WRRF) is amended so as to delete from Issue No. 1 the legal qualifications of Surety Broadcasting Company.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

WILLIAM P. MASSING,  
Acting Secretary.

[F. R. Doc. 49-4514; Filed, June 6, 1949;  
8:52 a. m.]

[Docket No. 9173]

WOOSTER REPUBLICAN PRINTING CO.  
(WWST)

## ORDER CONTINUING HEARING

In re application of the Wooster Republican Printing Company (WWST), Wooster, Ohio, Docket No. 9173, File No. BML-1307; for modification of license.

The Commission having under consideration a petition filed May 16, 1949, by the Wooster Republican Printing Company (WWST), Wooster, Ohio, requesting a two-day continuance in the hearing presently scheduled for May 31, 1949, at Washington, D. C., upon its above-entitled application for construction permit;

*It is ordered*, This 20th day of May 1949, that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Thursday, July 7, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL]

WILLIAM P. MASSING,  
Acting Secretary.

[F. R. Doc. 49-4515; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 9112]

LINCOLN OPERATION CO. AND SUN COAST BROADCASTING CORP.

## ORDER SCHEDULING HEARING

In the matter of Lincoln Operation Company, as trustee for Sun Coast Broadcasting Corporation (Assignor), and Sun Coast Broadcasting Corporation (Assignee), Docket No. 9112, File No. BAP-72; for assignment of construction permit of Standard Broadcast Station WMIE, Miami, Florida.

The Commission having designated the above-entitled application for hearing on July 30, 1949;

*It is ordered*, This 20th day of May 1949, that the hearing upon the above-entitled application is scheduled to be heard at 10:00 a. m., Monday, June 27, 1949, at Washington, D. C.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.[F. R. Doc. 49-4516; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 9145]

RADIO ST. CLAIR, INC.

## ORDER CONTINUING HEARING

In re application of Radio St. Clair, Inc., Marine City, Michigan, Docket No. 9145, File No. BP-6489; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for June 1, 1949, at Washington, D. C.; and

It appearing, that there is pending before the Commission a petition for Declaratory Order, or in the alternative, a rule defining non-directional operation filed on February 8, 1949;

*It is ordered*, This 20th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled application is continued to 10:00 a. m., Wednesday, June 29, 1949, at Washington, D. C.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.[F. R. Doc. 49-4517; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 9070]

HIGHLANDS BROADCASTING CO.

## ORDER CONTINUING HEARING

In re application of Henry L. Jollay, Ernest R. Baker, H. B. Craven and Edward Hasti, a partnership d/b as The Highlands Broadcasting Company, Sebring, Florida, Docket No. 9070, File No. BP-5925; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for June 2, 1949, at Washington, D. C.; and

It appearing, That there is pending before the Commission a petition for re-

consideration and grant without hearing filed on March 24, 1949;

*It is ordered*, This 20th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled application is continued indefinitely, pending action on the said petition for reconsideration and grant.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.[F. R. Doc. 49-4518; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 8298]

RHODE ISLAND BROADCASTING CO. (WRIB)

## ORDER CONTINUING HEARING

In re application of Rhode Island Broadcasting Company (WRIB), Providence, Rhode Island, Docket No. 8298, File No. BMP-2479; for modification of construction permit.

The Commission having scheduled a hearing upon the above-entitled application for June 3, 1949, at Washington, D. C.; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on March 14, 1949;

*It is ordered*, This 20th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled application is continued indefinitely, pending action on the said petition for reconsideration and grant.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.[F. R. Doc. 49-4519; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 8398]

EVERETT BROADCASTING CO., INC. (KRKO)

## ORDER CONTINUING HEARING

In re application of Everett Broadcasting Company, Incorporated (KRKO), Everett, Washington, Docket No. 8398, File No. BP-5030; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for June 9, 1949, at Washington, D. C.; and

It appearing, That there is pending before the Commission a petition for reconsideration and grant without hearing filed on April 26, 1949;

*It is ordered*, This 20th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled application is continued indefinitely, pending action on the said petition for reconsideration and grant.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.[F. R. Doc. 49-4520; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 8720]

WHITTIER BROADCASTING ASSOCIATES

## ORDER CONTINUING HEARING

In re application of John R. Dickson, Jr., and Richard N. Merrill, a partnership, d/b as Whittier Broadcasting Associates, Whittier, California, Docket No. 8720, File No. BP-6416; for construction permit.

The Commission having under consideration a petition filed May 18, 1949, by Whittier Broadcasting Associates, Whittier, California, requesting a continuance in the hearing presently scheduled for May 25, 1949, at Washington, D. C., upon its above-entitled application for construction permit;

*It is ordered*, This 20th day of May 1949, that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Wednesday, September 14, 1949, at Washington, D. C.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.[F. R. Doc. 49-4521; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 9068]

OLIVER BROADCASTING CORP. (WPOR)

## ORDER AMENDING ISSUES

In re application of Oliver Broadcasting Corporation (WPOR), Portland, Maine, Docket No. 9068, File No. BP-6344; for construction permit.

The Commission having under consideration a petition filed May 19, 1949, by Oliver Broadcasting Corporation (WPOR), Portland, Maine, requesting the deletion of Issues No. 1 and 3 in the notice of hearing dated July 12, 1948, in the proceeding upon its above-entitled application for construction permit;

*It is ordered*, This 20th day of May, 1949, that the petition is granted; and that the Commission's order of July 12, 1948, designating the above-entitled application for hearing is amended so as to delete therefrom Issues No. 1 and 3.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.[F. R. Doc. 49-4522; Filed, June 6, 1949;  
8:53 a. m.]

[Docket No. 9068]

OLIVER BROADCASTING CORP. (WPOR)

## ORDER CONTINUING HEARING

In re application of Oliver Broadcasting Corporation (WPOR), Portland, Maine, Docket No. 9068, File No. BP-6344; for construction permit.

The Commission having under consideration a petition filed May 19, 1949, by Oliver Broadcasting Corporation (WPOR), Portland, Maine, requesting a continuance in the hearing presently

## NOTICES

scheduled for June 6, 1949, upon its above-entitled application for construction permit;

*It is ordered*, This 20th day of May 1949, that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Monday, September 12, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL] WILLIAM P. MASSING,  
Acting Secretary.

[F. R. Doc. 49-4523; Filed, June 6, 1949;  
8:54 a. m.]

[Docket No. 9245]

## LAKE COUNTY BROADCASTING CORP.

## ORDER CONTINUING HEARING

In re application of Lake County Broadcasting Corporation, Chicago, Illinois, Docket No. 9245, File No. BPH-1488; for construction permit.

The Commission having under consideration a petition filed May 19, 1949, by Lake County Broadcasting Corporation, Chicago, Illinois, requesting a continuance in the hearing presently scheduled for June 13, 1949, at Chicago, Illinois, upon its above-entitled application for FM construction permit;

*It is ordered*, This 27th day of May 1949, that the petition be granted; and that the hearing on the above-entitled application is continued to 10:00 a. m., Monday, August 15, 1949, at Chicago, Illinois.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4524; Filed, June 6, 1949;  
8:54 a. m.]

[Docket Nos. 8553, 9290]

## S. H. PATTERSON (KVAK) AND ALBERT ALVIN ALMADA

## ORDER CONTINUING HEARING

In re applications of S. H. Patterson (KVAK) for license to cover the construction permit (BP-4317) for Station KVAK Atchison, Kansas, Docket No. 9290, File No. BL-3433; S. H. Patterson (assignor), Albert Alvin Almada (assignee), Docket No. 8553, File No. BAPL-23; for consent to the assignment of license for Station KVAK.

The Commission having under consideration a joint petition filed May 23, 1949, by S. H. Patterson and Albert Alvin Almada requesting the dismissal without prejudice of their above-entitled application for consent to the assignment of license of Station KVAK; and requesting the removal from hearing and grant without hearing of the above-entitled application for license to cover the construction permit for Station KVAK; and

It appearing, that the Motions Commissioner is without authority to act

upon that part of the petition which requests the removal from hearing the grant without hearing of the above-entitled application for license to cover the construction permit for Station KVAK; that a hearing in the proceeding is presently scheduled for June 7, 1949; and that the said hearing should be continued indefinitely pending action by the Commission *en banc* on the said petition insofar as it requests a removal from the hearing docket and grant without hearing;

*It is ordered*, This 27th day of May 1949, that insofar as the petition requests leave to dismiss without prejudice the above-entitled application for consent to the assignment of license of Station KVAK the petition is granted; and the said application (File No. BAPL-23; Docket No. 8553) is dismissed without prejudice; and

*It is further ordered*, on the Commission's own motion, that the hearing on the remainder of the above-entitled proceeding is continued indefinitely.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4525; Filed, June 6, 1949;  
8:54 a. m.]

[Docket No. 8606]

## SUSQUEHANNA BROADCASTING CO. (WSBA)

## ORDER CONTINUING HEARING

In re application of Susquehanna Broadcasting Company (WSBA), North of York, Pennsylvania, Docket No. 8606, File No. BP-6080; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for June 8, 1949, at Washington, D. C.; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on April 28, 1949;

*It is ordered*, This 27th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled application is continued to 10:00 a. m., Tuesday, July 5, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4526; Filed, June 6, 1949;  
8:54 a. m.]

[Docket No. 9315]

## WESTERN GATEWAY BROADCASTING CORP.

## ORDER SCHEDULING HEARING

In the matter of transfer of control of Western Gateway Broadcasting Corporation, licensee of Station WSNY, Schenectady, New York, Docket No. 9315, File No. BTC-710.

The Commission having designated for hearing the above-entitled application on May 5, 1949;

*It is ordered*, This 27th day of May 1949, that the hearing upon the above-entitled application is scheduled for 10:00 a. m., Monday, August 1, 1949, at Schenectady, New York.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4527; Filed, June 6, 1949;  
8:54 a. m.]

[Docket No. 9267]

## NATIONAL BROADCASTING CO., INC. (KOA)

## ORDER CONTINUING HEARING

In re application of National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9267, File No. BP-4685; for construction permit.

The Commission having under consideration a petition, filed May 24, 1949, by National Broadcasting Company, Inc. (KOA), Denver, Colorado, requesting the Commission to continue the hearing on its above-entitled application from June 9, 1949, to September 12, 1949;

*It is ordered*, This 27th day of May 1949, that the petition is granted; and that the hearing on the above-entitled application is continued to 10:00 a. m., Monday, September 12, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4528; Filed, June 6, 1949;  
8:54 a. m.]

[Docket No. 7185]

## LAKE BROADCASTING CO., INC.

## ORDER CONTINUING HEARING

In re application of Lake Broadcasting Company, Inc., Gary, Indiana, Docket No. 7185, File No. BP-4341; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for June 2, 1949, at Washington, D. C.; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant filed on May 6, 1949;

*It is ordered*, This 27th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled application is continued to 10:00 a. m., Monday, June 13, 1949, at Washington, D. C.

Federal Communications Commission,  
Edward M. Webster, Commissioner.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4529; Filed, June 6, 1949;  
8:54 a. m.]

[Docket No. 8138]

DR. FRANCISCO A. MARQUEZ  
ORDER CONTINUING HEARING

In re application of Dr. Francisco A. Marquez, San Juan, Puerto Rico, Docket No. 8183, File No. BP-5615; for construction permit.

The Commission having scheduled a hearing upon the above-entitled application for June 10, 1949, at Washington, D. C.; and

It appearing, that the Commission considers it appropriate to hold this hearing in San Juan, Puerto Rico, for the convenience of witnesses and that it is not convenient to the Commission or its personnel to schedule this hearing earlier than September 1949;

*It is ordered*, This 27th day of May 1949, that the hearing on the above-entitled application be continued from June 10, 1949, to September 19, 1949, and that the place of hearing be changed from Washington, D. C., to San Juan, Puerto Rico.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4530; Filed, June 6, 1949;  
8:54 a. m.]

[Docket No. 8594]

NEWS PUBLISHING CO. (WLAQ)  
ORDER CONTINUING HEARING

In re application of News Publishing Company (WLAQ), Rome, Georgia, Docket No. 8594, File No. BP-6406; for construction permit.

The Commission having under consideration a petition filed May 25, 1949, by News Publishing Company (WLAQ), Rome, Georgia, requesting that the hearing on its above-entitled application, presently scheduled for May 31, 1949, be continued for a period of thirty days or to a date thereafter more convenient to the Commission;

*It is ordered*, This 27th day of May 1949, that the petition be granted; and that the hearing on the above-entitled application be continued to 10:00 a. m., Thursday, August 4, 1949, at Washington, D. C.

Federal Communications Commission, Edward M. Webster, Commissioner.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4531; Filed, June 6, 1949;  
8:55 a. m.]

[Docket No. 9277]

CLASS B FM BROADCAST STATIONS  
ORDER AMENDING REVISED TENTATIVE  
ALLOCATION PLAN

In the matter of amendment of Revised Tentative Allocation Plan for Class B FM Broadcast Stations to delete Channel 274 from Ann Arbor, Michigan, and to add Channel 274, to Adrian, Michigan.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 25th day of May 1949;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations by deleting Channel 274 from Ann Arbor, Michigan, and adding Channel 274 to Adrian, Michigan; and

It appearing, that Notice of Proposed Rule-Making setting forth the above amendment was issued by the Commission on April 1, 1949, and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before April 29, 1949; and

It further appearing, that no comments or briefs with respect to the said amendment have been received; and

It further appearing, that the adoption of the said amendment would make possible a more equitable distribution and efficient utilization of FM frequencies in the vicinity of Adrian, Michigan.

*It is ordered*, That, effective July 5, 1949, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that Channel 274 is deleted from Ann Arbor, Michigan, and Channel 274 is added to Adrian, Michigan.

Released: May 27, 1949.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4532; Filed, June 6, 1949;  
8:55 a. m.]

efficient utilization of FM frequencies in the vicinity of LaSalle-Peru, Illinois.

*It is ordered*, That, effective July 5, 1949, the Revised Tentative Allocation Plan for Class B FM broadcast stations is amended so that Channel 295 is allocated to LaSalle-Peru, Illinois.

Released: May 27, 1949.

FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4533; Filed, June 6, 1949;  
8:55 a. m.]

[Docket No. 9332]

CAROLINA-PIEDMONT BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES

In re application of Carolina-Piedmont Broadcasters, Inc., Lincolnton, North Carolina, Docket No. 9332, File No. BP-6933; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of May 1949;

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on the frequency 1050 kilocycles, with 1 kilowatt power, daytime only in Lincolnton, North Carolina;

*It is ordered*, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with station WWGP, Sanford, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and populations to receive satisfactory service.

[Docket No. 9281]

CLASS B FM BROADCAST STATIONS  
ORDER AMENDING REVISED TENTATIVE  
ALLOCATION PLAN

In the matter of amendment of Revised Tentative Allocation Plan for Class B FM Broadcast Stations to add Channel 295 to LaSalle-Peru, Illinois.

At a session of the Federal Communications Commission held in its offices in Washington, D. C. on the 25th day of May 1949;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations by adding Channel 295 to LaSalle-Peru, Illinois; and

It appearing, that Notice of Proposed Rule-Making setting forth the above amendment was issued by the Commission on April 11, 1949 and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before May 9, 1949; and

It further appearing, that no comments or briefs with respect to the said amendment have been received; and

It further appearing, that the adoption of the said amendment would make possible a more equitable distribution and

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*It is further ordered, That, Lee Broadcasting Corporation, licensee of Station WWGP, Sanford, North Carolina, is made a party to the proceeding.*

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4534; Filed, June 6, 1949;  
8:55 a. m.]

[Docket Nos. 9333, 9334]

COLONIAL BROADCASTING CO., INC., AND  
COASTAL BROADCASTING CO. (WHIT)

ORDER DESIGNATING APPLICATION FOR CON-  
SOLIDATED HEARING ON STATED ISSUES

In re applications of Colonial Broad-  
casting Company, Inc., New Bern, North  
Carolina, Docket No. 9333, File No. BP-  
7178; Coastal Broadcasting Company  
(WHIT), New Bern, North Carolina,  
Docket No. 9334, File No. BP-7208; for  
construction permits.

At a session of the Federal Communi-  
cations Commission, held at its offices in  
Washington, D. C., on the 25th day of  
May 1949;

The Commission having under consider-  
ation the above entitled applications of  
Colonial Broadcasting Company, Incorporated,  
which requests a permit to con-  
struct a new standard broadcast station  
to operate on the frequency 960 kilo-  
cycles, with 1 kilowatt power, daytime  
only in New Bern, North Carolina, and  
of Coastal Broadcasting Company which  
requests a permit to change the facilities  
of Station WHIT, New Bern, North Caro-  
lina, from frequency 1450 kilocycles, 250  
watts power, unlimited time, to frequency  
960 kilocycles, 1 kilowatt power DA-N,  
unlimited time;

*It is ordered, That, pursuant to section  
309 (a) of the Communications Act of  
1934, as amended, the said applications  
are designated for hearing in a consoli-  
dated proceeding at a time and place to  
be designated by subsequent order of the  
Commission, upon the following issues:*

1. To determine the legal, technical,  
financial and other qualifications of  
Colonial Broadcasting Company, Incorporated,  
its officers, directors, and stock-  
holders and the technical, financial and  
other qualifications of Coastal Broad-  
casting Company, its officers, directors,  
and stockholders to construct and oper-  
ate the proposed station and Station  
WHIT as proposed.

2. To determine the areas and popu-  
lations which may be expected to gain  
or lose primary service from the opera-  
tion of the proposed station and Station  
WHIT as proposed.

3. To determine the type and charac-  
ter of program service proposed to be  
rendered and whether it would meet the  
requirements of the populations and  
areas proposed to be served.

4. To determine whether the opera-  
tion of the proposed station and Station  
WHIT as proposed would involve ob-  
jectionable interference with any exist-  
ing broadcast stations and, if so, the  
nature and extent thereof, the areas and  
populations affected thereby, and the

availability of other broadcast service  
to such areas and populations.

5. To determine whether the opera-  
tion of the proposed station and Station  
WHIT as proposed would involve objec-  
tionable interference each with the other  
or with the services proposed in any  
other pending applications for broadcast  
facilities and, if so, the nature and extent  
thereof, the areas and populations af-  
fected thereby, and the availability of  
other broadcast service to such areas and  
populations.

6. To determine whether the installa-  
tion and operation of the proposed sta-  
tion and Station WHIT as proposed  
would be in compliance with the Com-  
mission's rules and Standards of Good  
Engineering Practice Concerning Stand-  
ard Broadcast Stations.

7. To determine on a comparative  
basis which, if either, of the applications  
in this consolidated proceeding should  
be granted.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4535; Filed, June 6, 1949;  
8:55 a. m.]

[Docket Nos. 7924, 8135, 9270, 9271]

SPARTANBURG RADIO CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CON-  
SOLIDATED HEARING ON STATED ISSUES

In re applications of Robert L. Easley,  
tr/as Spartanburg Radio Company,  
Spartanburg, South Carolina, Docket No.  
8135, File No. BP-5763; Robert L. Easley,  
tr/as Easley Broadcast Company, Easley,  
South Carolina, Docket No. 9270, File No.  
BP-6472; William M. Drace, Greer,  
South Carolina, Docket No. 9271, File No.  
BP-7058; Charles B. Britt, Joe H. Britt,  
Vardry D. Ramseur and John Arthur  
Ramseur, d/b/a Piedmont Broadcasting  
Company, Greenville, South Carolina,  
Docket No. 7924, File No. BP-5374.

At a session of the Federal Communi-  
cations Commission, held at its offices in  
Washington, D. C., on the 25th day of  
May 1949;

The Commission having under consider-  
ation the application of Robert L.  
Easley, tr/as Spartanburg Radio Com-  
pany for a construction permit for a new  
Standard broadcast station to operate on  
1220 kc, with 1 kw power, daytime only  
at Spartanburg, South Carolina pres-  
ently scheduled to be heard in Wash-  
ington, D. C., commencing on July 20,  
1949; and the mutually exclusive ap-  
plications of Robert L. Sasley, tr/as  
Easley Broadcast Company; William M.  
Drace and Charles B. Britt, et al. d/b as  
Piedmont Broadcasting Company all re-  
questing operation on 1490 kc and pres-  
ently scheduled to be heard in a con-  
solidated proceeding commencing on  
June 6, 1949 at Greenville, South Caro-  
lina;

It appearing, that the primary reason  
for designating the Spartanburg applica-  
tion for hearing was to determine the  
fitness of the applicant to construct and  
operate the proposed station in view of

the past conduct of Robert L. Easley as  
General Manager of station WRNO and  
as radio engineer for the State of South  
Carolina;

It further appearing, that there is no  
electrical interference involved in the  
hearing on the Spartanburg applica-  
tion;

It further appearing, that the qualifi-  
cations and fitness of Robert L. Easley  
to construct and operate the proposed  
station will be determined under appro-  
priate issues set forth in the order desig-  
nating the Easley Broadcast Company  
application for hearing in the consoli-  
dated proceeding stated above;

It further appearing, that it would be  
convenient and in the interest of the  
Commission to consolidate the Spartan-  
burg application with the aforementioned  
consolidated thereby eliminating the  
necessity of a separate hearing merely  
to determine the qualifications of  
Robert L. Easley;

*It is ordered, That the application of  
Robert L. Easley tr/as Spartanburg Ra-  
dio Company, is consolidated for hearing,  
with the applications of Robert L. Easley  
tr/as Easley Broadcast Company; Wil-  
liam M. Drace and Charles B. Britt, Joe  
H. Britt, Vardry D. Ramseur and John  
Arthur Ramseur d/b as Piedmont Broad-  
casting Company scheduled to be heard  
commencing June 6, 1949, at Greenville,  
South Carolina; and*

*It is further ordered, That the Com-  
mission order of March 24, 1949, desig-  
nating the above-mentioned applications  
for hearing in a consolidated proceeding,  
is amended, to include the application of  
Robert L. Easley tr/as Spartanburg Radio  
Company and the pertinent issues of the  
Commission order dated September 30,  
1948, designating said application for  
hearing.*

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4536; Filed, June 6, 1949;  
8:55 a. m.]

[Docket No. 8381]

GILA BROADCASTING CO.  
ORDER AMENDING ISSUES

In re application of Gila Broadcasting  
Company, Winslow, Arizona, Docket No.  
8381, File No. BP-5406; for construction  
permit.

At a session of the Federal Communi-  
cations Commission held at its offices in  
Washington on the 25th day of May  
1949;

The Commission having under con-  
sideration a petition filed January 10,  
1949, by Gila Broadcasting Company, re-  
questing reconsideration and grant with-  
out hearing of its above-entitled applica-  
tion requesting a construction permit  
for a new station to operate on the fre-  
quency 1580 kc with power of 1 kw, un-  
limited time, using a directional antenna  
day and night; and

It appearing, that there is consider-  
able doubt whether the directional anten-  
na proposed by instant applicant can  
in actual operation be held to be the-

retical values of radiation in several directions specified by the applicant; that no tolerance values have been assumed in any direction; that if the expected theoretical operating values are exceeded interference may result to one or more existing stations and to one or more pending applications for broadcast facilities and the proposed operation may be in violation of the North American Regional Broadcasting Agreement in that more than 0.025 mv/m 10% sky-wave signal may be delivered at the Canadian border; and that for these reasons, among others, the Commission is unable to determine that a grant of the instant application would serve public interest, convenience and necessity;

*It is ordered,* That the said petition of Gila Broadcasting Company requesting reconsideration and grant without hearing of its above-entitled application is denied:

*It is further ordered,* That the Commission's order of March 18, 1948, designating the above-entitled application for hearing is amended by deleting the present wording of issues nos. 1, 3 and 5; renumbering issues nos. 2, 4, 6, and 7 as issues nos. 1, 2, 3 and 4 respectively; and adding the following issues:

5. To determine whether the operation of the proposed station would be in conformance with the North American Regional Broadcasting Agreement with particular reference to the signal which would be delivered at the Canadian border.

6. To determine whether in actual operation the radiation from the proposed directional antenna in the several directions can be held to the theoretical values set forth in the application.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4537; Filed, June 6, 1949;  
8:55 a. m.]

[Docket No. 9105]

AIR-WAVES INC. (WJOC)

ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES

In re application of Air-Waves Incorporated (WJOC), Jamestown, New York, Docket No. 9105, File No. BP-6822; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of May 1949;

The Commission having under consideration (1) a petition and supporting engineering affidavit, filed December 21, 1948, by WKRZ, Inc., licensee of Station WKRZ, Oil City, Pennsylvania, requesting that the above-entitled application of Air-Waves Incorporated for authorization to change the operating facilities of Station WJOC at Jamestown, New York, from 1470 kc., with 1 kw. power, daytime only to 1340 kc., with 250 w. power, unlimited time, be designated for hearing and petitioner be made a party thereto; (2) an answer to the petition, filed December 28, 1948, by Air-Waves Incorporated; (3) WKRZ, Inc.'s January

6, 1949, reply to the Air-Waves Incorporated answer; (4) Air-Waves Incorporated's January 25, 1949, answer to the WKRZ, Inc. reply; (5) WKRZ, Inc.'s March 14, 1949, supplement to its original petition to designate the WJOC application for hearing; (6) Air-Waves Incorporated's March 22, 1949, answer to the aforesaid supplement; and (7) the above-entitled Air-Waves Incorporated (WJOC) application, supplemented April 21, 1949.

It appearing, that, on the basis of available engineering data, the operations proposed for Station WJOC may involve interference within the normally protected daytime contour of Station WKRZ, Oil City, Pennsylvania;

*It is ordered,* That the WKRZ, Inc. petition to designate for hearing the above-entitled Air-Waves Incorporated application to operate Station WJOC at Jamestown, New York on 1340 kc., with 250 w. power, unlimited time is granted and the aforesaid application is designated for hearing at a time and place later to be determined by the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate WJOC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of WJOC as proposed and the character of other broadcast service available to those areas and populations.

3. To determine whether the operation of WJOC as proposed would involve objectionable interference with Station WKRZ, Oil City, Pennsylvania, or with any other existing broadcast station and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of WJOC as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of station WJOC as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice for Standard Broadcast Stations.

*It is further ordered,* That WKRZ, Inc., licensee of Station WKRZ, Oil City, Pennsylvania, is made a party to the proceeding.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4538; Filed, June 6, 1949;  
8:55 a. m.]

WNAF

PUBLIC NOTICE CONCERNING PROPOSED  
ASSIGNMENT OF PERMIT

The notice concerning the above matter which appeared in the May 26, 1949,

issue of the FEDERAL REGISTER, at page 2769 column 1, was published contingent on a ruling that the advertisement requirements of § 1.321 did apply. Inasmuch as the Commission decided that those requirements were inapplicable to the instant transaction the above advertisement is null and void.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.  
[F. R. Doc. 49-4539; Filed, June 6, 1949;  
8:56 a. m.]

AUGUSTA BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED  
TRANSFER OF CONTROL<sup>1</sup>

The Commission hereby gives notice that on May 12, 1949 there was filed with it an application (BTC-767) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Augusta Broadcasting Company, licensee of station WRDW from the First National Bank of Atlanta, Margaret C. Lucas and Fred G. Storey, Co-trustees, The National Exchange Bank of Augusta and James M. Hull, Co-Executors, and William K. Jenkins to Radio Augusta, Inc. The proposal to transfer control arises out of a contract of April 13, 1949 pursuant to which The First National Bank of Atlanta, Margaret C. Lucas and Fred G. Storey, Co-trustees, The National Exchange Bank of Augusta and James M. Hull, Co-executors, and William K. Jenkins propose to sell to Radio Augusta, Inc. 80 shares of common stock, being 100% of the outstanding stock of Augusta Broadcasting Company, for \$170,000 payable in cash to the said transferees, pro-rata according to their holdings. \$8,500 has been deposited with the National Exchange Bank of Augusta as agent for the transferees as earnest money by the said transferee, said \$8,500 to be applied to purchase price if the consent of the Federal Communications Commission is secured to transferring stock of Augusta Broadcasting Company to transferee. If, however, transferee fails or refuses to comply with the agreement after the approval of the Federal Communications Commission is received, the said \$8,500 shall be paid to the transferees as liquidated damages. The said agreement further provides that if the approval and consent of the Federal Communications Commission is not obtained within six months after the date of the filing of the application requesting such approval, but that such approval be subsequently secured within the life of the agreement, that transferee will pay to the transferees interest at the rate of 3½% per annum on the balance of the purchase price of \$161,500 for the period of time intervening between the aforesaid date of six months following the filing of said application and the date when the agreement is consummated. Further information as to the arrangements may be found with the applica-

<sup>1</sup> Section 1.321, Part 1, Rules of Practice and Procedure.

## NOTICES

tion and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on May 12, 1949, that starting on May 18, 1949, notice of the filing of the application would be inserted in the Augusta Chronicle, a newspaper of general circulation at Augusta, Georgia, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from May 18, 1949 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4540; Filed, June 6, 1949;  
8:56 a. m.]

which all of the stock is owned by Robert H. and Todd Storz. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on May 12, 1949, that starting on May 3, 1949, notice of the filing of the application would be inserted in Omaha World-Herald, a newspaper of general circulation at Omaha, Nebraska in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from May 3, 1949, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4541; Filed, June 6, 1949;  
8:56 a. m.]

## KOWH AND KOAD

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE OF STANDARD BROADCAST STATION KOWH AND CONSTRUCTION PERMIT OF FM STATION KOAD, OMAHA, NEBRASKA<sup>1</sup>

The Commission hereby gives notice that on May 2, 1949 there was filed with it an application (BAL-869 and BAPH-117) for its consent under Section 310 (b) of the Communications Act to the proposed assignment of license of AM station KOWH and construction permit of FM station KOAD, respectively, from World Publishing Company to Robert H. and Todd Storz. The proposal to assign the license arises out of a contract of April 14, 1949, pursuant to which the total purchase price shall be Seventy-five Thousand (\$75,000.00) Dollars cash of which amount One Thousand (\$1,000.00) Dollars has been paid and the balance of Seventy-four Thousand (\$74,000.00) Dollars is payable in cash on the closing date. The closing date shall be designated immediately following the date when the consent in writing of the Federal Communications Commission has become final, with no appeal therefrom pending. The cash on hand or in bank and all accounts receivable relating to said radio broadcasting business, as of the closing date, are reserved to World Publishing Company and will not pass to the purchaser, and all liabilities and obligations relating to said radio business up to the closing date are assumed by the World Publishing Company. The above contract was assigned by the Purchasers on April 27, 1949, to Mid-Continent Broadcasting Company, a corporation in

## KCSB

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE<sup>1</sup>

The Commission hereby gives notice that on April 12, 1949, there was filed with it an application (BAL-862) for its consent under Section 310 (b) of the Communications Act to the proposed assignment of license of Station KCSB, San Bernardino, California, from Woodrow Miller to Essie Binkley West. The proposal to assign the license arises out of a contract of March 4, 1949, pursuant to which Woodrow Miller has agreed to sell to Essie Binkley West all personal property and broadcasting equipment, including the goodwill together with the real property, buildings and improvements used in the operation of KCSB, for the total consideration of \$32,000.00, payable as follows: \$2,500.00 deposited in the escrow, \$9,500.00 within thirty days after the approval of the Federal Communications Commission, and the balance of \$20,000.00 in the form of a Promissory Note secured by a chattel mortgage on equipment of KCSB and deed of trust on the real property payable in monthly installments of \$250.00 or more, bearing interest at 5½% per annum on the unpaid balance. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on May 24, 1949, that starting on April 28, 1949, notice of the filing of

the application would be inserted in a newspaper of general circulation at San Bernardino, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from April 28, 1949, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 49-4542; Filed, June 6, 1949;  
8:56 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1202]

UNITED FUEL GAS CO.

## ORDER FIXING DATE OF HEARING

JUNE 1, 1949.

On April 27, 1949, United Fuel Gas Company (Applicant), a West Virginia corporation having its principal place of business at Charleston, West Virginia, filed an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 11, 1949 (14 F. R. 2515).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on June 14, 1949, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however, That the Commission may, after a non-contested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.*

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37

<sup>1</sup>Section 1.321, Part 1, Rules of Practice and Procedure.

(f) of the said rules of practice and procedure.

Date of issuance: June 2, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4488; Filed, June 6, 1949;  
8:51 a. m.]

[Docket Nos. G-1157, G-1162]

SOUTHERN COUNTIES GAS CO. OF CALIFORNIA AND SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 2, 1949.

Notice is hereby given that, on May 25, 1949, the Federal Power Commission issued its findings and order entered May 25, 1949, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4489; Filed, June 6, 1949;  
8:51 a. m.]

[Docket No. G-1182]

HOME GAS CO. AND EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING ABANDONMENT OF FACILITIES

JUNE 2, 1949.

Notice is hereby given that, on May 26, 1949, the Federal Power Commission issued its findings and order entered May 25, 1949, issuing certificate of public convenience and necessity and authorizing abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4490; Filed, June 6, 1949;  
8:51 a. m.]

[Project No. 120]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER APPROVING EXHIBITS

JUNE 2, 1949.

Notice is hereby given that, on May 26, 1949, the Federal Power Commission issued its order entered May 25, 1949, in the above-designated matter, approving Exhibits K and FF as part of the license.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4491; Filed, June 6, 1949;  
8:51 a. m.]

[Project No. 1447]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR AMENDMENT OF LICENSE

JUNE 2, 1949.

Notice is hereby given that, on May 27, 1949, the Federal Power Commission issued its order entered May 25, 1949, dismissing application for amendment of license in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4492; Filed, June 6, 1949;  
8:51 a. m.]

[Project Nos. 2007, 2008, 2013]

MARVIN E. HORNBACK ET AL.

NOTICE OF ORDERS AUTHORIZING ISSUANCE OF LICENSE (MINOR)

JUNE 2, 1949.

In the matters of Marvin E. Hornback, Project No. 2007; Harry S. Buckner, Project No. 2008; Chatham Strait Fish Company, Project No. 2013.

Notice is hereby given that, on May 26, 1949, the Federal Power Commission issued its orders entered May 25, 1949, authorizing issuance of license (minor) in the above-designated matters.

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4493; Filed, June 6, 1949;  
8:51 a. m.]

[Projects Nos. 1000 and 1719]

LOUISVILLE GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (TRANSMISSION LINE) AND DISMISSING OTHER APPLICATIONS

JUNE 2, 1949.

Notice is hereby given that, on May 26, 1949, the Federal Power Commission issued its order entered May 25, 1949, in the above-designated matters, authorizing amendment of license (transmission line) effective January 1, 1940, for Project No. 1000; and dismissing applications (transmission lines) for Project No. 1719, and for amendment of license, Project No. 1000.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4494; Filed, June 6, 1949;  
8:52 a. m.]

[Project No. 1686]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (TRANSMISSION LINE)

JUNE 2, 1949.

Notice is hereby given that, on May 27, 1949, the Federal Power Commission issued its order entered May 25, 1949, in

the above-designated matter, accepting surrender of license (transmission line).

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4495; Filed, June 6, 1949;  
8:52 a. m.]

[Docket No. E-6216]

ATLANTIC CITY ELECTRIC CO.

NOTICE OF APPLICATION

JUNE 1, 1949.

Notice is hereby given that on May 27, 1949, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Atlantic City Electric Company, a corporation organized under the laws of the State of New Jersey and doing business in said State, with its principal business office at Atlantic City, New Jersey, seeking an order authorizing the merger and consolidation of the electric facilities of South Jersey Power & Light Company, a corporation organized under the laws of the State of New Jersey, with its principal business office at Minotola, New Jersey, into and with its own facilities, or, in the alternative, an order disclaiming jurisdiction over the merger; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 22d day of June, 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 49-4479; Filed, June 6, 1949;  
8:49 a. m.]

## FEDERAL TRADE COMMISSION

[Docket No. 5578]

RICHMOND-CHASE CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 1st day of June A. D. 1949.

In the matter of Richmond-Chase Company, a corporation, Edmund N. Richmond, Charles M. O'Brien, Burnell E. Richmond, and George A. Richmond, individually and as officers of Richmond-Chase Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Everett F. Haycraft, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

## NOTICES

*It is further ordered,* That the taking of testimony and the receipt of evidence begin on Tuesday, July 12, 1949, at ten o'clock in the forenoon of that day (P. s. t.), in Room 449, Post Office Building, Seventh and Mission Streets, San Francisco, California.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL]

D. C. DANIEL,  
Secretary.

[F. R. Doc. 49-4546; Filed, June 6, 1949;  
8:57 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1099]

OHIO EDISON CO.

### FINDINGS AND ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of May A. D. 1949.

The Philadelphia-Baltimore Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock \$8 Par Value, of Ohio Edison Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the Cleveland Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Philadelphia-Baltimore Stock Exchange is the States of Pennsylvania, New Jersey, Delaware and Maryland; that out of a total of 2,283,990 shares outstanding 2,084,193 shares are owned by 341 shareholders in the vicinity of the Philadelphia-Baltimore Stock Exchange; and that in the vicinity of the Philadelphia-Baltimore Stock Exchange 157 transactions were effected in 10,794 shares during the period from April 1, 1948 to April 1, 1949;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of

the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

*Accordingly it is ordered,* Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia-Baltimore Stock Exchange for permission to extend unlisted trading privileges to the Common Stock \$8 Par Value, of Ohio Edison Company be, and the same is, hereby granted.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 49-4483; Filed, June 6, 1949;  
8:50 a. m.]

[File No. 70-2109]

COLUMBIA GAS SYSTEM, INC., ET AL.

### ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of May 1949.

In the matter of the Columbia Gas System, Inc., Atlantic Seaboard Corporation, and Virginia Gas Transmission Corporation, File No. 70-2109.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary, Atlantic Seaboard Corporation ("Seaboard"), an operating-holding company, and Seaboard's wholly owned subsidiary, Virginia Gas Transmission Corporation ("Transmission"), having filed a joint application-declaration pursuant to sections 6 (b), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Seaboard's and Transmission's construction programs, for the year 1949, are estimated to cost \$15,357,000 and \$7,120,000, respectively. In order to finance these programs, Seaboard will require cash of \$14,900,000 and Transmission \$6,925,000. It is stated that \$6,800,000 is presently needed by Seaboard and \$3,200,000 by Transmission in connection with their construction programs and further applications will be filed respecting the balance of the funds expected to be required.

It is proposed that the \$10,000,000 of cash presently needed will be provided by Columbia as follows:

(a) Seaboard will issue and sell at par to Columbia \$5,000,000 principal amount of 3 1/4% Installment Promissory Notes.

(b) Columbia will make a cash capital contribution to Seaboard of \$5,000,000. Such contribution will be credited by Seaboard to paid-in capital surplus and Columbia will increase its investment in the common stock of Seaboard by \$5,000,000.

Of the amount thus received by Seaboard, \$6,800,000 is proposed to be used by Seaboard in connection with its con-

struction program and \$3,200,000 to purchase, at par, a like principal amount of 3 1/4% Installment Promissory Notes, which are to be issued and sold by Transmission. Both Seaboard's and Transmission's notes will be due in equal annual installments on February 15 of each of the years 1952 to 1976, inclusive.

It is also proposed that the following steps will be taken for the stated purpose of simplifying the corporate structure of Transmission:

(a) Seaboard will contribute \$3,346,000 to the capital of Transmission by surrendering to Transmission its outstanding 6% Income Demand Loans for cancellation;

(b) Transmission will transfer \$4,499,900 from its capital surplus account to the capital stock account; and

(c) Transmission will amend its Articles of Association so as (i) to increase the presently authorized maximum capital stock consisting of 10,000 shares without nominal or par value to 400,000 shares of common stock of the par value of \$25 per share, and (ii) to provide for the exchange and/or conversion of the presently issued and outstanding 10 shares of capital stock without nominal or par value into and for 180,000 shares of new common stock.

The issuance and sale of notes and issuance and exchange of common stock by Transmission has been approved by the State Corporation Commission of Virginia.

Said joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration be granted and permitted to become effective; and

The Commission finding, as requested by applicants-declarants, that the issuance of 180,000 shares of new common stock of a par value of \$25 per share by Transmission is necessary or appropriate to the integration and simplification of the holding company system of which Transmission, Seaboard and Columbia are members and is necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935 within the meaning of section 1808 (f) of the Internal Revenue Code, as amended:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

*It is further ordered,* That the issuance of 180,000 shares of new common

stock of a par value of \$25 per share by Transmission is necessary or appropriate to the integration and simplification of the holding company system of which Transmission, Seaboard and Columbia are members and is necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 49-4486; Filed, June 6, 1949;  
8:50 a. m.]

[File No. 70-2133]

NATIONAL FUEL GAS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of May 1949.

In the matter of National Fuel Gas Company, United Natural Gas Company, Iroquois Gas Corporation, File No. 70-2133.

National Fuel Gas Company ("National"), a registered holding company, and its gas utility subsidiaries, United Natural Gas Company ("United") and Iroquois Gas Corporation ("Iroquois"), having filed a joint application-declaration pursuant to sections 6, 7, 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder with respect to the following transactions:

(a) National has entered into a credit agreement with the Chase National Bank of the City of New York contemplating the issuance and sale to the bank, from time to time prior to December 31, 1950, of promissory notes in an aggregate amount not to exceed \$10,000,000 at any one time. National proposes to issue and sell \$5,000,000 of such notes prior to May 31, 1950; and the issuance and sale of the balance of such notes will be the subject of further applications to be filed with this Commission. All notes will mature within nine months of the date thereof but not later than July 1, 1951, and bear interest at the rate of 2% per annum until December 31, 1949, and after that date at 2 1/4% per annum, or 1/4 of 1% above the loan rate of the Federal Reserve Bank of New York, whichever is greater: *Provided, however,* That such interest rate shall not exceed 2 3/4% per annum. National will pay a commitment fee of 1/2 of 1% on the average daily unused balance for the period commencing January 1, 1950, to December 31, 1950. National may cancel the credit agreement at any time upon 30 days' notice. National will use \$4,353,600 of the proceeds of the notes for the stock purchases from, and advances to, Iroquois and United as set forth in paragraphs (b) and (c) below, and the balance of the proceeds will be used for advances to, or purchases of securities of, these companies respecting which further applications will be filed with this Commission.

No. 108—14

(b) Iroquois proposes to issue and sell to National 24,786 shares of its common capital stock at the par value of \$100 per share. United proposes to issue and sell to National 75,000 shares of its common capital stock at the stated value of \$25 per share. Both Iroquois and United will use the proceeds from the sale of their common stock in connection with their respective construction and gas storage programs. The issuance and sale of common stock by Iroquois and United have been submitted to the Public Service Commission of the State of New York and the Pennsylvania Public Utility Commission, respectively, for their approval.

(c) Pending state commission approval of the issuance and sale of their common stock, if Iroquois or United require funds to carry forward their construction and gas storage programs, National will loan on open account at 2% interest until December 31, 1949, and thereafter at the rate equivalent to the interest rate payable by National to the bank on its notes, such sums as each company shall so require, provided that the aggregate amount loaned to each company at any time does not exceed the total purchase price of the shares of common stock proposed to be issued and sold by each of these companies.

National states that it will subsequently refund the bank loans by the issuance and sale of common stock and/or long-term debentures.

Said joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the issuance and sale of common stock by Iroquois and United to National shall not in either case be consummated until there shall have been made a matter of record herein an order of the Public Service Commission of the State of New York and the Pennsylvania Public Utility Commission, respectively, approving such issuance and sale.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 49-4485; Filed, June 6, 1949;  
8:50 a. m.]

[File No. 70-2143]

CONSOLIDATED ELECTRIC AND GAS CO. AND SOUTHERN CITIES ICE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 31st day of May A. D. 1949.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its non-utility subsidiary, Southern Cities Ice Company ("Southern"), having filed a joint application-declaration, and amendments thereto, with this Commission pursuant to sections 6 (a), 7, 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder regarding the acquisition by Southern of the plant and property formerly owned by the Timmonsburg Ice & Fuel Company, Inc. from B. O. Browder for \$40,000 by payment of \$10,000 cash and the assumption of liability for \$30,000 principal amount of serial notes issued by Browder; and

Applicants-declarants having requested that the Commission's order granting and permitting to become effective said application-declaration be issued on or before May 31, 1949 and become effective forthwith upon issuance; and

Said application-declaration having been filed on May 17, 1949, and Notice of Filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the applicable provisions of the act and the rules and regulations thereunder have been satisfied and that there is no basis for adverse findings and deeming it appropriate in the public interest and the interest of investors and consumers to grant and permit to become effective said application-declaration and to grant the request of applicants-declarants:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 49-4484; Filed, June 6, 1949;  
8:50 a. m.]

[File No. 70-2156]

NORTH AMERICAN CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of May 1949.

## NOTICES

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the general rules and regulations promulgated thereunder, by the North American Company ("North American"), a registered holding company. The applicant has designated sections 9 and 10, of the act and Rule U-23 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 14, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 14, 1949, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

This Commission on April 14, 1942, entered an order directing North American, among other things, to sever its relationship with Wisconsin Electric Power Company ("Wisconsin"). North American has already divested itself of all of its holdings of Common Stock of Wisconsin, and in further compliance with such order North American has notified the Commission pursuant to the provisions of Rule U-44 (c) under the act that it intends to sell by competitive bidding all of the 13,494 shares which it owns of the Six Per Cent Preferred Capital Stock, par value \$100 per share, of Wisconsin. It is anticipated that bids for such stock will be invited by North American on June 17, 1949, and will be opened on June 27, 1949. The foregoing proposed sale is not a part of the present application but in connection therewith and for the stated purpose of facilitating the proposed sale, North American seeks permission by the present application to stabilize the market price of such Wisconsin stock, by purchases thereof on the day fixed for the opening of bids on the New York Stock Exchange.

North American also states that it intends to sell on the New York Stock Exchange as soon as practicable after the consummation of the sale of the aforementioned 13,494 shares of such Wisconsin stock, any shares purchased as a result of stabilization.

It is estimated that the proposed transactions will involve expenditures aggregating \$12,750 including counsel fees in the amounts of \$3,750.

North American requests that, in connection with the proposed sale of 13,494 shares of Wisconsin stock, the Commission make the appropriate findings and tax recitals required by Supplement R

and section 1808 (f) of the Internal Revenue Code.

North American requests that the Commission's order herein be issued by June 15, 1949, and that it become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 49-4487; Filed, June 6, 1949;  
8:51 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. I, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13293]

## AUGUSTA BRAZ

In re: Estate of Augusta Braz, deceased. File No. D-28-12221; E. T. sec. 16442.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Klaus and Mrs. Ida (Jack) Neuman, whose last known address was, on April 21, 1949, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of \$833.34 was paid to the Attorney General of the United States by William Klaus, executor of the estate of Augusta Braz, deceased;

3. That the said sum of \$833.34 was accepted by the Attorney General of the United States on April 21, 1949, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of \$833.34 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on April 21, 1949, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunct to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4548; Filed, June 6, 1949;  
8:59 a. m.]

[Vesting Order 13296]

## MINNIE E. HOFF

In re: Estate of Minnie E. Hoff, deceased. File No. D-28-12060; E. T. sec. 16239.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oskar Enders, Jr., Eliese Faclius, Hedwig Michau, Erich Enders, Walter Enders, Hans Enders, Kathie Greiner, Lissa Enders, Mrs. Waldemar Enders, Else (Elsa) Enders, Walter Enders, Reinhold Enders, Frau Luise Enders, "Henry" Enders, the name "Henry" being fictitious, first name unknown, son of deceased brother Hermann Enders, "Harriet" Enders, the name "Harriet" being fictitious, first name unknown, daughter of deceased brother Hermann Enders, Wilhelm Enders, Kurt Kohler, Meta Gobser, and Hedwig Kraft, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That "John Roe" and "Mary Doe", unknown heirs-at-law and next of kin of Paul Enders, deceased son of Oskar Enders, and "William Doe" and "Katherine Roe", such names being fictitious and designating unknown heirs-at-law, next of kin, legatees or devisees of "George" Enders, the name "George" being fictitious and designating a son of Hermann Enders, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them in and to the estate of Minnie E. Hoff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Albany County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Albany County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and "John Roe" and "Mary Doe", unknown heirs-at-law and next of kin of Paul

Enders, deceased, son of Oskar Enders, and "William Doe" and "Katherine Roe", such names being fictitious and designating unknown heirs-at-law, next of kin, legatees or devisees of "George" Enders, the name "George" being fictitious and designating a son of Hermann Enders, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4549; Filed, June 6, 1949;  
8:59 a. m.]

[Vesting Order 13297]

CATHERINE KRUSE

In re: Estate of Catherine Kruse, deceased. File No. D-28-12622.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Koopman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of \$718.84, deposited on February 26, 1949, with the Clerk of the District Court of Scott County, Iowa, to the credit of Andrew Nebe, pursuant to the order of the District Court of Scott County, Iowa, dated December 31, 1948, in the matter of the estate of Catherine Kruse, deceased, including increments thereon and subject to the lawful fees and disbursements of the Clerk of the District Court of Scott County, Iowa, is property payable or deliverable to, or claimed by the person named in subparagraph 1 hereof, a national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the District Court of Scott County, State of Iowa, acting under the judicial supervision of the District Court of Scott County, Iowa.

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States

requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4550; Filed, June 6, 1949;  
8:59 a. m.]

[Vesting Order 13311]

OSCAR R. LUDWIG

In re: Stock owned by Oscar R. Ludwig. F-28-27562-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar R. Ludwig, whose last known address is Schubertstr. 9, Neu-Ulm Offenhausen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of \$10.00 par value common capital stock of General Motors Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered E 364-797, registered in the name of Ludwig W. Wasum and presently in the custody of said Ludwig W. Wasum, 504 Highland Avenue, Jenkintown, Pennsylvania, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of \$5.00 par value capital stock of Eureka Vacuum Company, now known as Eureka Williams Corp., Bloomington, Illinois, a corporation organized under the laws of the State of Michigan, evidenced by certificate numbered 23392, registered in the name of Ludwig W. Wasum, and presently in the custody of said Ludwig W. Wasum, 504 Highland Avenue, Jenkintown, Pennsylvania, together with all declared and unpaid dividends thereon,

c. Seventy-five (75) shares of \$0.50 par value common capital stock of Republic Pictures Corp., 1790 Broadway, New York 19, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered TC 0987, registered in the name of Ludwig W. Wasum, and presently in the custody of said Ludwig W. Wasum, 504 Highland Avenue, Jenkintown, Pennsylvania,

vania, together with all declared and unpaid dividends thereon.

d. Two hundred (200) shares of \$1.00 par value capital stock of Mesabi Iron Co., 25 Broad St., New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 23681 and 23682, for 100 shares each, registered in the name of Ludwig W. Wasum, and presently in the custody of said Ludwig W. Wasum, 504 Highland Avenue, Jenkintown, Pennsylvania, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation owing to Oscar R. Ludwig, by Ludwig W. Wasum, 504 Highland Avenue, Jenkintown, Pennsylvania, in the amount of \$86.90, as of April 20, 1949, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Oscar R. Ludwig, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 24, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4449; Filed, June 3, 1949;  
8:50 a. m.]

DURAND & CIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

## NOTICES

*Claimant, Claim No., and Property*

Durand & Cie, 4 Place de la Madeleine, Paris 8, France; 6549; \$100,163.39 in the Treasury of the United States. Property to the extent owned by claimant immediately prior to the vesting thereof described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to adaptations of the musical compositions entitled "Goilwogg's Cake-Walk from 'Children's Corner'", "Forlane from 'Le Tombeau de Couperin'", "Valses Nobles et Sentimentales (Nos. 6 & 7)" and "Habanera, No. III of Rapsodie Espagnole" (listed in Exhibit A of said vesting order); and property to the extent owned by the claimant immediately prior to the vesting thereof described in Vesting Order No. 1237 (8 F. R. 16460, December 7, 1943) relating to compositions listed in the catalogues of Durand & Cie entitled Catalogue (1939) of "Musique de Piano", Catalogue "Edition Classique A. Durand & Fils", Catalogue (1937) of "Musique Religieuse", Catalogue (1939-1940) of "Musique D'Orchestre", Catalogue "Ouvrages D'Enseignement Musical", Catalogue (1937-1938) of "Musique Instrumentale" and Catalogue (1937) of "Musique Vocale" (listed in Exhibit A of said vesting order).

Executed at Washington, D. C. on May 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4453; Filed, June 3, 1949;  
8:51 a. m.]

[Vesting Order 13313]

SOPHIE METZGER

In re: Stock, stock trust certificate, certificate of deposit and bank accounts owned by Sophie Metzger also known as Sophie Metzger-Frey. F-28-26381-A-1, F-28-26381-D-1/2, F-28-26381-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Metzger also known as Sophie Metzger-Frey, whose last known address is Cellebei Hanover an der Liege 8, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) shares of no par value common capital stock of Plymouth Box & Panel Company, c/o E. F. Still, P. O. Box 905, Blytheville, Arkansas, evidenced by a certificate numbered 127, and registered in the name of Sophie Metzger together with all declared and unpaid dividends thereon and the right to receive any and all liquidating dividends which are due or may become due,

b. One Stock Trust Certificate representing ten (10) shares of capital stock of 920 No. Michigan, Inc., said certificate numbered 105, registered in the name of Sophie Metzger and presently in the custody of Mrs. Anna Metzger, 3645 No. Wilton Avenue, Chicago, Illinois, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation owing to Sophie Metzger, by The

First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of a Blocked Funds Account, account number Tr. 21990, entitled Sophie Metzger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. One Certificate of Deposit representing Hyde Park National Building Corporation, 5½% First Mortgage Serial Gold Bonds, said certificate of \$2,000 face value, numbered 607, registered in the name of Sophie Metzger, and presently in the custody of Mrs. Anna Metzger, 3645 No. Wilton Avenue, Chicago, Illinois, together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation of The First National Bank of Chicago, 33 South Clark Street, Chicago, Illinois, arising out of an account, Account Number Tr. 29542, Div. Disb., entitled Hyde Park-Lake Park Building Corp., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sophie Metzger also known as Sophie Metzger-Frey, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on May 24, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4450; Filed, June 3, 1949;  
8:50 a. m.]

[Return Order 338]

AMEDEO PIERONI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the ad-

ministration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Amedeo Pieroni, Barga, Italy; Claim No. 26021; April 20, 1949 (14 F. R. 1909); \$109,-978.21 in the Treasury of the United States. All right, title, interest and claim of any name of nature whatsoever of Amedeo Pieroni in and to Pieroni Bros. & Company, a Massachusetts partnership. The following securities presently in the custody of the Safe-keeping Department of the Federal Reserve Bank of New York: 80 shares of Pieroni Building Trust (a Massachusetts Trust), and 40 shares of no par value capital stock of Pieroni, Inc., a Massachusetts corporation.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 27, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4451; Filed, June 3, 1949;  
8:50 a. m.]

[Vesting Order 13319]

DRESDNER BANK AND ALIGEMEINE WAREN-FINANZIERUNGS GESELLSCHAFT M. B. H.

In re: Bank accounts owned by Dresdner Bank and bank accounts, stock and bonds owned by Aligemeine Waren-Finanzierungs Gesellschaft, m. b. H. F-28-747-A-3, F-28-176-E-3, F-28-176-E-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aligemeine Waren-Finanzierungs Gesellschaft m. b. H., the last known address of which is Schiessfach 12, Berlin W. 56, Germany is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Dresdner Bank, the last known address of which is Berlin, Germany is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York arising out of a deposit account entitled "Aligemeine Waren-Finanzierungs Gesellschaft, Berlin," account number 90018, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, arising out of a deposit account-general ruling No. 6, entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin," account number 90018 maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

c. That certain St. Louis-San Francisco Railway Company, 4% 1st Mtge. A, Temporary Bearer Certificate, of \$500.00 face value bearing the number TD8037, and presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank, together with any and all rights thereunder and thereto.

d. That certain St. Louis-San Francisco Railway Company, 4% 1st Mtge. A Scrip Certificate of \$157.00 face value, bearing the number 14516 and presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank, together with any and all rights thereunder and thereto.

e. Those certain St. Louis-San Francisco Railway Company, 4½% 2nd Mtge. Income A Bonds registered in the name of Hare & Co., bearing the numbers TRD4455 of \$500.00 face value and TRC6304 of \$100.00 face value, said bonds presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank, together with any and all rights thereunder and thereto,

f. That certain St. Louis-San Francisco Railway Company, 4½% 2nd Mtge. Income A Script Certificate of \$39.57 face value in bearer form, bearing the number 15026 and presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank, together with any and all rights thereunder and thereto,

g. That certain St. Louis-San Francisco Railway Company, Voting Trust Certificate for nine (9) shares of \$100.00 par value 5% preferred A stock of the aforesaid Company, said Certificate bearing the number TVD14321 registered in the name of Hare & Co. and presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank together with any and all rights thereunder and thereto,

h. That certain St. Louis-San Francisco Railway Company, Scrip Voting Trust Certificate for 9600/10000 share of \$100.00 par value 5% preferred A stock of the aforesaid Company, said Certifi-

cate in bearer form, bearing the number 12294 and presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank together with any and all rights thereunder and thereto,

i. That certain St. Louis-San Francisco Railway Company, Voting Trust Certificate for twenty (20) shares of no par value common stock of the aforesaid Company, said Certificate bearing the number TVD13803, registered in the name of Hare & Co., and presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank, together with any and all rights thereunder and thereto,

j. That certain St. Louis-San Francisco Railway Company, Voting Trust Certificate for 100/10000 share of no par value common stock of the aforesaid Company, said Certificate in bearer form, bearing the number 11830 and presently in the custody of Bank of New York and 5th Avenue Bank, 48 Wall Street, New York 15, New York, in an account entitled "Allgemeine Waren-Finanzierungs Gesellschaft, Berlin, Custody Account 90018", maintained at the aforesaid bank, together with any and all rights thereunder and thereto;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Allgemeine Waren-Finanzierungs Gesellschaft m. b. H. the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, New York, arising out of a dollar checking account (in Attachment Ledger) entitled "Dresdner Bank" maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, New York, arising out of a dollar checking account (in Ledger of Inactive Accounts) entitled "Dresdner Bank" maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, arising out of a checking account entitled "Dresdner Bank" maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dresdner Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, subject however, to the rights, if any, of the Sheriff of the County or City of New York and Paul Stauder, in and to said property arising out of the levies on said property under a warrant of attachment issued in an action entitled Paul Stauder, Plaintiff v. Dresdner Bank, Defendant, Supreme Court of New York, County of Queens.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.  
[F. R. Doc. 49-4551; Filed, June 6, 1949;  
9:00 a. m.]

[Vesting Order 13320]

CHARLES DECKERS

In re: Real property owned by the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charles Deckers, also known as Carl Deckers, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charles Deckers, also known as Carl Deckers, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Township of Winfield, County of DuPage, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on

## NOTICES

account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charles Deckers, also known as Carl Deckers, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

## EXHIBIT A

All that certain tract or parcel of land situated in the Township of Winfield, County of Du Page, State of Illinois, described as follows:

A part of the Northeast Quarter of Section Twenty-one (21), Township Thirty-nine (39) North, Range Nine (9), East of the Third Principal Meridian. Described by commencing at the Northeast corner of said Section 21, thence South 1741.8 feet to a stone in the Section line; thence South 89 degrees West 112.9 feet to an iron pipe in fence line; for a place of beginning (same being the place of beginning referred to in Deed dated April 4, 1883 from Ellenor Brown (unmarried) to Rosia A. Brown on file in the Recorder's Office of Du Page County in Book 55 Page 394) thence South 89 degrees West 1871.4 feet to a post; thence South 400.6 feet to an iron pipe; thence North 89 degrees East 1871.4 feet to an iron pipe 112.9 feet West in the East line of said Section 21; thence North 400.6 feet to the place of beginning, containing 16.29 acres.

[F. R. Doc. 49-4552; Filed, June 6, 1949;  
9:00 a. m.]

[Vesting Order 13321]

ELSIE DENEKE

In re: Interest in real property, property insurance policies, cash and a claim owned by Elsie Deneke, also known as Else Deneke.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Deneke, also known as Else Deneke, whose last known address is Norzenlust 10, 19 Magdeburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half interest in real property situated in the County of Ford, State of Illinois, particularly described as the East Half of the Northeast Quarter of Section 29 in Township 26 North of Range 9 East of the Third Principal Meridian, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

b. All right, title and interest of the person named in subparagraph 1 hereof, in and to the following property insurance policies: Policy No. 8208 issued by Farmers Mutual Fire and Lightning Insurance Company, Piper City, Illinois, in the amount of \$2,300.00, which policy expires November 17, 1949 and insures the property described in subparagraph 2-a hereof, and Policy No. 3525399 issued by American Insurance Company, 15 Washington Street, Newark, New Jersey, in the amount of \$2,400.00, which policy expires December 19, 1950 and insures the property described in subparagraph 2-a hereof,

c. Cash in the sum of \$3,011.56, presently in the possession of the Attorney General of the United States in account No. 28-012032, representing the share of Elsie Deneke, also known as Else Deneke, in certain income arising from the real property described in subparagraph 2-a hereof, and

d. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by Gustav Ehrecke, 4849 West Deming Place, Chicago, Illinois, arising out of her share of the net income collected since January 1, 1949, on the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for

encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b to 2-d hereof, inclusive.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4553; Filed, June 6, 1949;  
9:00 a. m.]

[Vesting Order 13322]

MASAE HARADA

In re: Real property owned by Masae Harada.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masae Harada, whose last known address is Fukuoka-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Real property situated at Waikahalulu, Honolulu, City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for

persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt within the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

EXHIBIT A

*First:* All of that certain parcel of land (portions of the lands described in Royal Patent Number 7255, Land Commission Award Number 4452, and Royal Patent Number 5626, Land Commission Award Number 1161 to Kunahihhi) situate, lying and being at Waikahalulu, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:

Beginning at a stake at the North corner of this lot and the East corner of Lot B, the coordinates of said point of beginning referred to Government Survey Triangular Station "Punchbowl" being 2,446.5 feet North and 2,137.3 feet West, and running by true azimuths:

1. 320° 00' 41.5 feet along fence;
2. 45° 50' 70.4 feet;
3. 138° 42' 46.7 feet along fence;
4. 230° 00' 71.3 feet along Lot B to the point of beginning.

Containing an Area of 3,122 Square Feet, or thereabouts.

*Second:* An Eight (8) foot right-of-way, bounded and described as follows:

Beginning at a stake at the North corner of this strip, being also the North corner of Lot A, coordinates of said point of beginning referred to Government Survey Triangular Station "Punchbowl" being 2,520.8 feet North and 2,199.6 feet West, and running by true azimuths:

1. 320° 00' 97.0 feet along fence to a stake;
2. 50° 00' 8.0 feet along Lot C to a stake;
3. 140° 00' 96.7 feet to a stake;
4. 227° 32' 8.0 feet along Waikahalulu Lane to the point of beginning, and containing an Area of 775 Square Feet, or thereabouts.

[F. R. Doc. 49-4554; Filed, June 6, 1949;  
9:00 a. m.]

[Vesting Order 13323]

HAWAII ISHIZUCHI JINJA

In re: Real property and personal property owned by Hawaii Ishizuchi Jinja.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hawaii Ishizuchi Jinja, whose address is 2020 South King Street, Honolulu, Territory of Hawaii, is a non-stock membership corporation, organized under the laws of the Territory of Hawaii;

2. That Hawaii Ishizuchi Jinja has been, on or since the effective date of Executive Order 8389, as amended, controlled by, or acting, or purporting to act, directly or indirectly for the benefit of, or on behalf of, a designated enemy

country (Japan), and is a national of a designated enemy country (Japan);

3. That the property described as follows:

a. Real property situated at Kapaakea, Honolulu, City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All that personal property, belonging to Hawaii Ishizuchi Jinja, including but not limited to shrine ornaments, equipment and furnishings, located on the real property described in subparagraph 3-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That the person named in subparagraph 1 hereof is controlled by or acting for or on behalf of a designated enemy country (Japan), or persons within such country, and is a national of a designated enemy country (Japan);

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

EXHIBIT A

All of that certain lot, piece or parcel of land situate on the northwest side of King Street at Kapaakea, Honolulu, and being a portion of lot 3A of the subdivision of the land described in Royal Patent (Grant) #177

to Peter J. Gulick, and described by metes and bounds as follows:

Beginning at the south corner of this lot, on the northeast side of King Street and running as follows:

N. 69° 03' W. 80.0 feet along King Street;  
N. 16° 15' E. 179.5 feet along Lot 2A;

S. 69° 00' E. 80.0 feet along the northeast portion of Lot 3A;

S. 16° 15' W. 179.25 feet along Lot 4A to the point of beginning and containing an area of 14,300 square feet.

[F. R. Doc. 49-4555; Filed, June 6, 1949;  
9:00 a. m.]

[Return Order 335]

AUGUST STEINER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

August Steiner, San Antonio, Tex.; Claim No. 10714; April 19, 1949 (14 F. R. 1878); \$12,-068.22 in the Treasury of the United States. The following parcels of real estate situated in the City of San Antonio, County of Bexar, State of Texas: Lot 4 in New City Block 1760 fronting 50 feet on the Northwest side of Avenue B between Fifth and Sixth Streets, and running back between parallel lines at right angles with Avenue B to the San Antonio River for depth. Lot 2 and the West 9 feet of Lot 3 in Block 1, New City Block 1269. Lot 1, Block 1, New City Block 1269.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4558; Filed, June 6, 1949;  
9:00 a. m.]

[Return Order 283]

BANCO DI NAPOLI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Banco di Napoli Naples, Italy; Claim No. 34644; February 5, 1949 (14 F. R. 516); \$1,521,-660.00 in the Treasury of the United States. All right, title, and interest of the Attorney General by virtue of Vesting Order No. 195

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in and to 24,361 shares of \$50.00 par value common capital stock of Banco di Napoli Trust Company of New York, a New York corporation, 25,341 of which shares were registered in the name of Banco di Napoli, Naples, Italy, and 20 of which shares were registered in the name of Vincenzo Giuliani, Brooklyn, New York, holding for the benefit of Banco di Napoli, Naples, Italy. The excess proceeds of the business and property in the State of New York of Banco di Napoli in the possession of the Superintendent of Banks of the State of New York, or which may hereafter come into his possession under and by virtue of the Banking Law of the State of New York, including but not limited to the excess proceeds of all assets of any nature whatsoever, owned or controlled by or payable or deliverable to or held on behalf of or on account of or owing to the New York agency of said Banco di Napoli, remaining after the payment of the claims of creditors, accepted or established in accordance with the Banking Law of the State of New York, arising out of transactions had by them with the New York agency of said Banco di Napoli or whose names appear as creditors on the books of such agency, together with interest on such claims and the expenses of liquidation.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 31, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4557; Filed, June 6, 1949;  
9:00 a. m.]

[Return Order 344]

OLGA POHANKA AND GRETE GLASS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Olga Pohanka and Grete Glass, Vienna, Austria, Claim No. 36691; April 20, 1949 (14 F. R. 1909); \$22,931.30 in the Treasury of the United States, \$19,000 returnable to claimants jointly, \$3,931.30 to Olga Pohanka.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4559; Filed, June 6, 1949;  
9:01 a. m.]

[Return Order 345]

JOHANNA P. C. GOERNER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

*It is ordered*, That the claimed property described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Notice of Intention To Return Published, and Property*

Johanna P. C. Goerner, Philadelphia, Pa.; Claim No. 5535; April 20, 1949 (14 F. R. 1908); \$3,264.79 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4560; Filed, June 6, 1949;  
9:01 a. m.]

ANNE ARCHBALD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Anne Archbald, Albergo Aquilanti, Italy; 34668; All right, title, interest and claim of any kind or character whatsoever of Anna Archbald in and to the Trust Estate created under the will of Elizabeth C. Archbald, deceased. Trustee: Robert W. Archbald, Jr., 1609 Morris Building, Philadelphia 2, Pa.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4561; Filed, June 6, 1949;  
9:01 a. m.]

EUGENE CAMILLE SAINT JACQUES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following prop-

erty located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Eugene Camille Saint Jacques, Paris, France; 31753; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,893,913; 1,994,049; 2,015,464; 2,057,304; 2,093,469; 2,073,520; 2,138,072; 2,091,119; 2,113,619; 2,120,785; 2,081,772 and 2,252,581.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 49-4563; Filed, June 6, 1949;  
9:01 a. m.]

TIPORIA LAZERIVICI, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Tiporia Lazerivici, a/k/a Tipora H. Leizerivici, and Tiporia Lazarovici, Bucharest, Romania; 35423; \$549.99 in the Treasury of the United States.

Betti Granath, a/k/a Betty Malca Granath, Brasov, Roumania; 35424; \$549.99 in the Treasury of the United States.

Casia Ghitel Schwartz, a/k/a Casica Haimovici, and Casia Haimovici, Bucharest, Romania; 35425; \$549.99 in the Treasury of the United States.

Lenta Abramovici, a/k/a Helene Mandel, Helene Mendel and Lenta Mendel, Bucharest, Romania; 35426; \$458.33 in the Treasury of the United States.

Ghizela Abramovici, Bucharest, Roumania; 35427; \$458.33 in the Treasury of the United States.

Zutu Abramovici, a/k/a Iosef Abramovici and Zuta Abramovici, Botosani, Roumania; 35428; \$458.33 in the Treasury of the United States.

All right, title, interest and claim of any kind or character whatsoever of Tiporia Lazerivici, Betti Granath, Casia Ghitel Schwartz, Lenta Abramovici, Ghizela Abramovici and Zutu Abramovici and each of them in and to the Estate of Nathan Abrahams, deceased.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

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